

# THE CLASSICAL JOURNAL

MARCH 1954  
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CANE: Forty-eighth Annual Meeting, Bowdoin College, April 2-3 (program Cover II)  
CAMWS: Fiftieth Anniversary Meeting, St. Louis, April 22-4 (program in April no.)

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The Classical Association of New England will hold its forty-eighth Annual Meeting at Bowdoin College, Brunswick, Maine, Friday and Saturday, April 2-3, 1954.

The following papers will be presented: "Dictys Cretensis and the Tale of Troy," Maurice W. Avery, Williams College; "A Shot of Oxygen"—A Report of The School and College Study of Admission with Advanced Standing," Nathan Dane, Bowdoin College; "Cattle and Slaves in the Minoan Tablets," Sterling Dow, Harvard University; "Should New England have a Latin Institute in 1955?" Mason Hammond, Harvard University; "Aeschylus as Satisfactory Playwright," Thalia Phillips Howe, Wellesley, Mass.; "Why Is Oedipus Called Tyrannos?" Bernard M. W. Knox, Yale University; "Mountains in Greek History," Robert E. Lane, University of Vermont; "Improvisation of Oral Poetry in Ancient and Modern Greece," James A. Notopoulos,

Trinity College; "Wisdom and the Epos," H. Berkeley Peabody, Bowdoin College; "The Pseudo-Ovidian De Vetula," Dorothy M. Robathan, Wellesley College; Panel on "The Junior Classical League as a Force in American Education"; "The National Organization," Van L. Johnson, Tufts College; "The State Federation," Mr. James F. Looby of The Hartford Courant; "The Local Chapter," Mildred M. Carrier, Augusta (Me.) High School.

The annual dinner will be Friday evening; members are invited as guests of Bowdoin College. Following the dinner, a reading of Seneca's Medea by the Bowdoin College Classical Club.

Teachers and friends of the Classics are cordially invited to attend the open sessions. Further information may be had from Sec'y, Claude W. Barlow, Clark University, Worcester 10, Mass.

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# THE TEACHER'S SCRAPBOOK

## THE DYING LANGUAGES

I teach English literature and composition to earn my living, and I enjoy it. But there's another way of earning a living (?) which I would prefer; and when, occasionally, I make a wistful reference to it I meet with blank stares even from my teaching colleagues. That patch of greener grass, or primrose path to the unemployment office, is the teaching of the classics.

I indulge my secret vice by exhorting my advisees to take Latin or Greek while they are in college — and the administrators are baffled ("How does it prepare them for a life career?"). Or I tutor my own children, who get little Latin and no Greek in high school, then indulge in a bit of parental boasting when they hit Ovid — and an esteemed agricultural economist is amused ("For today's kids, of course, there's not much point in the classical languages").

Perhaps, in a society preoccupied with war and revolution, there isn't much point. But to comfort myself, I think of the Old English poet's refrain "That passed — so can this." "What has Virgil to do with St. Paul?" asked an eighth century contemporary of this very poet, protesting the popularity of the ancient poems in the monastery. What, indeed? But hear the judgment of a great modern Pope, Leo XIII, on this same question. "Perceiving, then, the usefulness of the literatures of Greece and Rome," he wrote, "the Catholic Church which always has fostered whatever things are honorable, whatever things are lovable, whatever things are of good repute, has always given to the study of the humanities the favor that it deserves, and in promoting it, has expended no slight portion of its best endeavor."

In other words, in St. Paul's words which Leo XIII quotes, the supreme human beauty of these works renders honor to the Creator and justifies their loving care by us.

Few people today, however, criticize the classics because they are not religious literature. The popular attitude is, "This has all been translated into our own language, which we can read without thinking (how true!) — why bother with the originals in those queer letters?"

### Why bother?

For two reasons: first, some of the finest of ancient poetry, such as Horace's Odes, or the Greek lyrics, is literally untranslatable; second, all of the ancient classics have unique qualities of gravity, stability, majesty, which are intimately associated with the original languages and can only be imperfectly perceived in translation; and these qualities are the ones which our brilliant, unstable modern civilization is most in need of.

Thus lyric poetry, which depends so much upon the sounds of words, word associations, and the rhythms of its native language, must be read as the poet wrote it. Take Horace's great line, "Dulce et decorum est pro patria mori." You can translate this "It is a pleasant and fitting thing to die for one's country"; but that isn't what Horace wrote. *Patria* means more than "country"; it means "home," the soil on which you were born. "Dulce et decorum" means — oh, the perfect serenity of a summer afternoon, distant woods, blue sky, hum of crickets, time flowing on forever. Horace is the writer who makes the commonplace eternal — love, a mountain spring, mortality, steadfastness, peace after strife — but he does it in Latin, not English. In English (look at the eighteenth century translations if you don't believe this) it is just commonplace.

The story of the *Odyssey*, the most wonderful story ever written, cannot be destroyed, even in translation. There is a miraculous vividness to the scene of the old men on the walls of Troy, in the *Iliad*, looking down upon Helen and admitting that all the suffering and sorrow of their city is forgotten in the beholding of her beauty, which caused it; this, even in English. But both are better in Greek. And when we come to Virgil we have an epic which seems flat, indeed, in another tongue compared to the incomparable majesty of the original. What will you do with, for example, the line that sums up Virgil's profound insight into human life, the cry that escapes Aeneas as he sees pictured in a distant city scenes from the Trojan Wars, including the death of his beloved king, Priam: "Sunt lacrimae

rerum, et mentem mortalia tangunt"? What shall we say? "There are tears at the heart of life, and mortal things touch the heart"? This is not good, with its repetition of "heart," and worse without; at least, I do not know how else to translate what Virgil is saying. In Latin the line says more, far more, than its literal meaning, like Shakespeare's "Out, out, brief candle." Don't shirk it — reach for that Latin grammar and dictionary, as the founders of this Republic did! Literature that inspired Washington and Jefferson may make us see a little farther than our dusty politicians of today.

There is an orderliness about the Latin language, and a logic of structure in its great works, that few modern tongues or writers attain; a discipline that helped that enthusiastic Latinist Judge Medina withstand the brutal hectoring of the communists in the famous trial a few years ago. This is the language of the great hymns, "Pange, lingua, gloriosi," "Dies irae, dies illa," "Veni, sancte Spiritus," the language of the Vulgate Bible and the Code of Justinian, basis of Western law. This is the grave and weighty language of truth itself, *veritas, the veritas vos liberabit*, truth which is the last thing, almost, that much of contemporary journalism seems to care for, but the first thing to dignify any speech.

And that truth, or at least mysterious traces of it, breathes behind much of the ancient literature. The high ideals of the Stoics, the profound emphasis upon ethics from the time of Socrates on, what were these but the strivings of the weakened human spirit after the Unknown, the unknown god Whom, as St. Paul told the Athenians on Mars Hill, with an apt quotation from the Greek poet Cleanthes, the consecrated followers of Christ came to make known? It was no aberration which led the anonymous author of the Mass of St. Paul to include a stanza narrating the legend that St. Paul once traveled to Naples to see Virgil's tomb:

Virgil's tomb the saint stood viewing  
And his aged cheek bedewing  
Fell the sympathetic tear:  
"Ah! had I but found thee living  
What new music wert thou giving.  
Best of poets, and most dear!"

"Best of poets, and most dear," "Poetarum maxime"—yes, Virgil had much in common with the great Apostle to the Gentiles, the same tenderness, the same love, a greater pathos, not having traveled to Damascus. Horace is known as the "secular breviary." Men have lived and died by the

beautiful words and wisdom of these poets, yet today, in high school after high school, in college after college, we abandon them—for what? Courses on "U.S. Relations with Soviet Russia," taught by spinsters of good will and county-wide travel; courses on "Social Etiquette — What to Say and What Not to Say to a Boy Friend on a Date"; courses on contemporary literature with the *Reader's Digest* as textbook.

But this is transitional, and the decay of a troubled time. So far as the nobler things of life are concerned, when men once more look up and cherish them, they must return to the ancients. Without Greek and Latin we should have no Dante, no Shakespeare, and not much civilization. Plato, Aristotle, scholastic and modern philosophy — can you imagine these completely separated? So long as men love the beauty in the world, they will love Greek; so long as they desire sanity, they will study Latin. At our own peril we abandon this perennial wisdom, particularly in our public education system. Our one hope must be to preserve the classics for future generations which will not be so decade-minded as we are.

GEORGE SANDERLIN

San Diego State College

#### MISCELLANEOUS MATERIALS

Miss Miriam W. Cokely, Punxsutawney Area Joint High School, Punxsutawney, has sent us the *Bulletin* of the Pennsylvania State Association of Classical Teachers, of which she is editor. This carries an announcement of the Pittsburgh Latin Festival, scheduled for February 15-18 with Apollo as the featured deity, and lists a number of ideas and materials offered by Miss Lucile Noble, Upper Darby Senior High School, Upper Darby, Pennsylvania.

1. A list of adjectives that occur in Latin I and Latin II according to frequency of occurrence.

2. A list of verbs according to frequency of occurrence in Caesar.

3. Two small plays in simple Latin adapted by a British Latin teacher. These are the "Mostellaria" and "The Fishing Net" (Plautus' "Rudens"). They may be secured from Mr. C. W. E. Packett, Headmaster, Priory School, Shrewsbury, Salop, England. The price is about ten cents per copy and an international money order form can be sent easily at the post office.

4. Eastman has new films, "Mythology," "Caesar," and "Vergil," for rent by schools for \$3.50 for three days.

5. "Roma" and "Romani" by C. E. Robinson are two delightful short varied simplified selections from Latin authors, published by Cambridge University Press in 1949 for about 88 cents.

6. Mr. G. Panatta, Via Francesco Crispi 117, Roma, Italy, has stampe d'arte, prints, photos, etchings, Christmas cards, and framed pictures which he will ship to schools in the United States.

7. A postal card request will secure a set of brightly colored pictures on the history of pharmacy. Four or five of these are within the Greco-Roman period. Address your request to: Parke, Davis & Co.; P.O. Box 118, R.P. Annex; Joseph Campan Ave. at River; Detroit 22, Michigan.

#### LATIN IS AN EYE-OPENER

Mary Fletcher, Latin instructor at Northwest High School, Canal Fulton, Ohio, reports the alertness of her students who have been bringing in newspaper clippings in which they see some coincidence or bearing on their Latin studies. For instance, John Kunkle and Fred Remark of the Latin II class brought in a newspaper story and picture of an American mother who planned to fly to Korea to talk to her soldier-son who was refusing repatriation. The students wrote this comment:

After the Korean War it was suggested that the mothers of the American soldiers who refused repatriation visit their sons, to try to save them from Communism. This reminded us of how Venturia saved Rome by visiting her son, Coriolanus, who was about to attack the city.

#### THE WORLD'S MOST AMAZING SENTENCE

Margaret Ihlenfeldt's note on the "Bread-Wrapper Palindrome"<sup>1</sup> has a sequel. It is discussed in full and scholarly detail in an article written by Professor Norman De Witt, Sr., of Victoria College, University of Toronto, and published in *The School*.<sup>2</sup>

The palindrome was found inscribed at the doors of houses and inns in parts of the Roman Empire thus:

S A T O R  
A R E P O  
T E N E T  
O P E R A  
R O T A S

To a Roman official, it could be interpreted as a tribute to Jupiter or merely as a clever puzzle. But to some people it had an extra meaning which was not realized till comparatively recently. The first hint that it might be of Christian origin was given by the center acrostic:

T  
E  
T E N E T  
E  
T

Here was the forbidden Christian sign. Further investigation showed that the whole could be re-arranged into a cross formed by the first two words of The Lord's Prayer in Latin:

P  
A  
T  
E  
R  
R  
O  
S  
T  
E  
R  
P A T E R N O S T E R

Left over were two A's and two O's, to remind us of another fundamental of Christianity,<sup>3</sup> and these were put at the ends of the upright and arm of cross as Alpha's and Omega's.

What a useful, unsuspected recognition sign for Christians!

Professor De Witt summarizes his account in the following paragraphs: "This sacred acrostic conceals . . . the symbol of the cross, itself a potent protection, the magical Alpha and Omega in double form, and the initial words of The Lord's Prayer, likewise repeated. To crown it all, the five words of the acrostic seem to possess an appropriate significance. This served to invoke the protection of God, while the Devil himself could not read them, much less any evil spirit of less power."

GEOFFREY M. C. DALE

Trinity College School,  
Port Hope, Ontario, Canada

#### NOTES

<sup>1</sup> C.J. (Dec. 1953) 100

<sup>2</sup> "The Christians in Pompeii," by Prof. N. W. DeWitt, U. of Toronto, in *The School*, (Sept. 1937) 40.

<sup>3</sup> Revelations 1.8.

\* \* \* \*

Iowa teachers and others to whom Iowa City is accessible (visas not required) should keep in mind April 30-May 1 as the time of the *Iowa Classical Conference*. More information may be expected in the April issue.

# THE EDITOR *loquens* DICENDA TACENDA

## REPRINTS

SINCE REPRINTS prove expensive to both contributors and printers (the labor of rearranging and locking new forms being often overlooked), troublesome as an extra task for the editors, and often involving disappointment for authors not ordering before type has been broken up; it has been decided to substitute whole copies of the issues in which articles appear. At first giving five *free* copies to authors of major articles and three for other than brief reviews was considered. But lines of distinction would not be easy, or diplomatically safe, for the unhappy editor to draw. Maybe nearly every writer would consider his essentially a *major* contribution. And are we to put this premium on *long* reviews, which can tax our space? Mr. Steiner made the welcome and happy suggestion, that we charge for all — but at a sharply reduced rate (if they are ordered in advance with returned galleys). In conference with Mr. Abel, the price for such was set at 25c,\* less than half the usual. For many the copies will cost less than reprints; they will have covers as the latter commonly do not, and serve incidentally as a form of promotion for the *Journal* in the case of non-subscriber recipients. Beginning at once, please order copies rather than reprints — enclosing the amount since billing is that much extra labor and expense. The reduced rate is retroactive as far as we can supply back numbers. For Vol. 48 only, reprints can be had alternatively if ordered directly from the Multicopy Corporation, 516 Kedzie St., Evanston, Ill. For there was no problem of holding type with their process.

## COVER II

AFTER CONSIDERABLE correspondence with the several associations, it has

seemed best to drop the (largely nominal) Associate Editors. We are informed that there is confusion as to whether to send contributions to the editor for the given association (correct) or to the "associate editor" in the same area. Of no small help was a thoughtful letter from my loyal friend Frank Krauss. We want the staff functional: would like the actual regional editors to assume more responsibility and merely nominal personnel eliminated. An exception might have been made of the learned Frank Potter; for he recently provided a careful year-index, and had formerly a much more responsible position on the *Journal*. This could have justified a *honoris causa* rating for him; but it is as well to be consistent.

The re-arrangement has aimed to make stand out the contrast between the editorial and the business staff. If there is any uncertainty as to Mr. Abel's position (since 'managing-editor' often means 'editor-in-chief'), he is actually the business-and-advertising-manager — and a very good one (able though he be, please spell him as the first murderer). It will save labor, expense, delay if correspondence is addressed to the right office: on MSS (including reviews) and notices, to Evanston; on subscriptions and missed or sample copies, to Boulder; on advertising, to Chicago. Space thus released on Cover II will be available for instructions for preparation of MSS or other functional matter — perhaps, since we must always consider, finances, for a small advertisement.

\* 20c ea. for a second 25; 15c ea. beyond that.

\* \* \* \* \*

Program of the Anniversary meeting of CAMWS, April 22-4 at St. Louis, will appear in the April number.

## Cato's Speech Against Murena

THE PROSECUTION in 63 B.C. of Lucius Licinius Murena, accused under the *Lex Tullia de Ambitu* of corrupt practices during his campaign for the consulship, was a trial of great importance; for the defendant had been victorious at the elections, and his entry into office as chief magistrate of the Roman Republic depended upon the effectiveness of his court defense. But of even greater importance and interest to us is the clash which took place on that occasion between two opposing points of view, expediency, as represented by Cicero, and unswerving adherence to moral principle, upheld by Cato.

The circumstances are as follows. There were four candidates for the consulship of 62, Murena, Servius Sulpicius, Catiline, and Decimus Junius Silanus. The election campaign was conducted with great zeal by those seeking office, and the activities of Catiline in bribing and corrupting the voters became so alarming that Cicero, who was prepared to adopt almost any measures to prevent the conspirator's election, secured the passage of a new law against *ambitus* which greatly increased the penalty for conviction. But the use of illegal means to influence the electorate had become by now a firmly established practice in Roman political life and was not regarded by the majority as a particularly dishonorable activity. Consequently, it was only to be expected that some of the candidates opposing Catiline should likewise be guilty of illegal campaigning. Cato, his Stoic sense of morality outraged by this general dishonesty,

promised that he would prosecute the guilty candidates, no matter who they might be. After the election, therefore, he joined with the defeated Sulpicius in bringing Murena to trial, although he neglected to accuse the other successful candidate, Silanus.

Meanwhile, Catiline, disgruntled after his third unsuccessful campaign, had set in motion his conspiracy. Consequently, the trial of Murena took place at a rather perilous time; in fact, during the prolonged crisis between the departure of Catiline from Rome and the arrest of his followers in the city, when people were nervously aware that something unpleasant was impending, but did not know exactly what. The fate of the Republic was in considerable doubt, and Cicero's motive for taking the case, even though he was burdened with the grave responsibilities of the consulship and even though Murena was very probably guilty, was, as he himself says (79; 82-3), to insure that when his term of office should have expired less than two months later the Roman government would not be under the handicap of having but a single consul, who must combat simultaneously the conspiracy both at Rome, teeming as it was with Catiline's supporters, and in the field, where he would have to lead an army against the openly arrayed insurgents. Also, Murena's military experience made him desirable as one of the leaders against Catiline (83).

There is much to be said for Cicero's point of view. Granted that the acquittal of Murena would only intensify the dishonest tendencies of Roman politi-



cal life, still, if Catiline succeeded in his revolution, it would mean the complete destruction of that political life, so Cicero reasoned. But in open opposition to these considerations at the trial was Cato's concept that the only means of restoring the health of the Republic in the long run was the reinstatement of undeviating honesty in all its phases and that the conviction of Murena was needed as a gesture in this direction regardless of the immediate consequences.

As befitted the trial of so important a personage, Murena had secured for his defense the services of Cicero and Quintus Hortensius, the two ablest orators of the day, and Marcus Crassus, the future triumvir and a man of great political influence. The prosecution, too, was well represented. Sulpicius, who was the most eminent of Roman jurists at this time, was the principal complainant and in accordance with Roman custom spoke first.<sup>1</sup> He was assisted by three *subscriptores*, a certain Gaius Postumus, who is otherwise unknown, a younger Servius Sulpicius, perhaps the son of the chief accuser,<sup>2</sup> and Cato, the most impressive of the speakers for the prosecution, a rising young statesman whose unswerving devotion to Stoic ethical theories and to the way of life prescribed by his famous great-grandfather, Cato the Censor, gave him a reputation for absolute incorruptibility. Since he carried the greatest weight for the prosecution, Cato was the last speaker for his side, as was Cicero for his; and since Cato was Cicero's own special opponent, we are able to learn somewhat more about his speech than we are about those of the other orators.

As a preview to Cato's oration it may be well to describe as far as can be determined the other speeches for the prosecution, which presented, Cicero says in his *partitio* (11), three general types of charge: (a) those which attacked the defendant's past life (*reprehensio vitae*), (b) those which compared the abilities and merits of the

two rival candidates (*contentio dignitatis*), and (c) those which concerned the specific charge of bribery (*crimina ambitus*).

The speech which Sulpicius delivered at the trial of Murena apparently began with an attack not against the defendant but against Cicero. Before he could be sure that his accusations would have any effect, Sulpicius felt it necessary to lessen in some way the influence upon the jurors of the opposing counsel's enormous prestige, the same problem which faced Cicero in the case of Cato (58). Sulpicius, therefore, tried to prejudice Cicero with his hearers and to cast suspicion on his motives by accusing him of betraying a trust when he deserted his old friend Sulpicius to help the man who had wronged his friend (7). The prosecutor stressed the inconsistency of Cicero's conduct by pointing out that in the election of only a few weeks before Cicero had aided him in his campaign, but that now Cicero supported his illegally elected opponent, a person who, in contrast to himself, had no claim to Cicero's friendship (7-8).

Turning his attack from Cicero to Murena, Sulpicius first attempted to show the immorality of the defendant's past life with the intention of proving not only that his opponent was the sort of person who would stoop to such fraud, but also that his reputation was besmirched to such an extent that only if bribed would the people have voted for such a man. A large portion of Sulpicius' speech dealt with Murena's military service in Asia, and the prosecutor alleged that during his youth in this luxury-filled province (20), Murena had given himself over to abandoned practices (11). Asia was regarded by the stricter Romans as a place of temptation, full of alluring enticements to sin and corruption,<sup>3</sup> and Sulpicius seems to have suggested that Murena had eagerly sought the province not to gain military glory but for the purpose of sowing wild oats, and that his father, under whom he was serving,

had with indulgent complacency countenanced such a life (11-12).

The second point of Sulpicius' case, the *contentio dignitatis*, was likewise concerned with Murena's past life, but it differed from the previous heading in that it was not an account of immoral conduct but a comparison of the general merits of the accused with those of his defeated opponent. It was designed to show that Sulpicius' qualifications for office, his reputation and favor with the voters were so much better than the defendant's, that only the occurrence of bribery during an election could explain the defeat of the former. Sulpicius discussed the lives of Murena and himself in thorough and systematic fashion.<sup>4</sup> First he compared the two candidates' families. On the assumption that nobility of birth was favored by the voters, he argued that Murena, being a plebeian, was less likely to have been elected than himself, who was of patrician origin (15). He contrasted the antiquity of his family, and its wealth of fame and honors, with the *generis novitas* (17) of Murena.

Turning to the career of the defendant, Sulpicius noted that at two previous elections both he and Murena had been candidates for the same office: first the quaestorship, then the praetorship. On both occasions Sulpicius had been the first to receive the required number of votes for election (18; 35), and this, he alleged, was evidence of his greater popularity. We find little to indicate what Sulpicius said regarding Murena's conduct of affairs while holding office, but the accuser did present some criticism, for he referred mockingly to a spectacle given by Murena when the latter was praetor (40). Perhaps, in view of its splendor,<sup>5</sup> he charged that it was the only act of any importance which Murena had accomplished during his term.

Sulpicius then discussed again the defendant's military career in Asia, this time arguing that Murena had achieved no military reputation of his own, but had merely endeavored to

shine in the reflected glory of his father's triumph (11-12).<sup>6</sup> Some years later, after his quaestorship, Murena took part in the Third Mithridatic War as a lieutenant of Lucullus, and Sulpicius attacked this phase of his career as well. He probably argued that Murena had performed his duties incompetently and had brought to Rome no great reputation (21). Sulpicius likewise claimed that a man who had stayed at Rome could keep himself in the public eye and thus had a better chance of securing the popularity necessary for a successful campaign than a person who had spent a great deal of his life abroad (21). Then Sulpicius turned to his own career. He showed that in contrast to his opponent's continued absence from the center of political activity, he himself had been constantly at Rome (19) and had even declined the governorship of a province after his term as praetor (42). He had made himself known and respected by his diligent and disinterested service in the study of law. He had won many friends and supporters by his assistance in legal matters (19; 42), and he kept insisting upon the value of legal studies to society (23).

The third classification of the prosecution's arguments comprised the specific charges of corrupt practices, *crimina ambitus*; however, Cicero gives us no idea of what Sulpicius had to say in that regard, although he must have outlined the charges since he was the opening speaker.

Then followed a reply for the defense by Hortensius, after which probably came the taking of evidence and the orations of Gaius Postumus and the younger Sulpicius.<sup>7</sup> About these next two speeches in behalf of the defendant we know very little. Except for incidental references the part of *Pro Murena* in which these were discussed has not been preserved. Quite probably Cicero himself omitted this section when he published the oration;<sup>8</sup> for the facts alleged by Cicero's op-



ponents were perhaps too apparent to be disproved, and an obviously unsuccessful refutation could scarcely have enhanced Cicero's fame as an orator even though he won his case.<sup>9</sup>

Postumus was a friend of Murena's father (56). He had been a candidate for the praetorship in 63, but had withdrawn from the campaign to aid Sulpicius in preparing his case (57). In his speech he stressed the fact that he was an old friend and neighbor of the defendant's family and explained at length the reasons for this friendship (56) in order to demonstrate that his motive in bringing the accusation had nothing in it of personal ill-will. He discussed the fact that certain agents employed by Murena in the commission of bribery had been arrested, and in their possession a large, unexplained amount of money had been discovered and held as evidence (54). Whereupon, the persons in custody, knowing that under the terms of the *Lex Calpurnia* they could save themselves from prosecution by turning state's evidence, confessed and offered to appear against Murena.<sup>10</sup>

The only specific charge mentioned by Cicero as having been made by the younger Sulpicius, the third speaker for the defense, is referred to as "de equitum centuriis" (54). Since the knights voted early in the course of an election, and their vote consequently had considerable influence upon those centuries which followed, it was very desirable to win their favor. Servius' accusation was apparently that Murena had been especially active in corrupting the *equites* and had attempted to secure their votes by giving free dinners and seats at spectacles to the order as a group (73).

Next probably came a reply by Crassus and perhaps the taking of further evidence. Finally Cato, who was rightly regarded by Cicero as the "fundamentum ac robur totius accusationis" (58), rose to speak for the prosecution. The most striking indication of his power as an accuser is of course

the fact that a short time after this, on the occasion of the Senate's debate concerning the Catilinarian conspirators, it was Cato, not Cicero, who was finally able to swing opinion away from Caesar's recommendation for leniency;<sup>11</sup> and, indeed, others had found that to oppose so obviously righteous a man was to seem hostile to virtue itself (60).<sup>12</sup>

In his style of speaking Cato followed to some extent the Stoic ideal of harshness, conciseness, and absence of ornament. But there was this difference between him and most of Zeno's followers: the ordinary Stoic orator was really not an orator at all, but a sort of lecturer on moral philosophy. Such a person felt that his purpose was solely to instruct, not to persuade, and the thought of arousing any enthusiasm by his treatment would have horrified him. Cato, possibly because he was too much a Roman, could not altogether accept this theory of rhetoric. He felt that the subject of a speech, to be of any value, must be impressed upon the minds of its hearers, and, when the occasion demanded, he could speak copiously and forcefully.<sup>13</sup> The speech which he delivered before the Senate, when he advocated the penalty of death for Catiline's henchmen, is portrayed by Sallust as "a tide of fiery invective."<sup>14</sup>

In the exordium of his speech, in explaining his reasons for bringing the accusation, Cato probably included an account of a violent denunciation which he had delivered recently in the Senate (64) and recalled a public promise which he had made to prosecute the candidates guilty of illegality (62).<sup>15</sup> Then, as a preliminary to his accusation of Murena, he, like Sulpicius, felt it necessary to lessen the effect of Cicero's personal prestige upon the jury by attacking Cicero himself for having undertaken the defense. Cato gave three reasons why it was wrong for Cicero to have accepted the case: first, because as consul Cicero was unfairly bringing to bear the in-

fluence afforded him by his office; second, because Cicero himself had proposed the law under which Murena was accused; and finally, because, as a magistrate who up to the present time had administered his office in accordance with strict justice, Cicero was showing inconsistency by making an exception in this case (3; 6; 67).

In regard to the first of these objections Cato was arguing contrary to public opinion. There was no principle in Roman public life which forbade a magistrate to plead cases while in office, and numerous instances can be found of officials representing clients.<sup>16</sup> Yet Cato felt that it was improper for a public official to appear at a trial in which the mere prestige of his office might sway the minds of the jury. While the majority of Romans probably had no such feelings, and Cato's argument was very likely lost on them, the fact that there was no precedent for his disapproval did not bother a good Stoic like Cato. He believed that a case should be judged solely on its own merits without regard for the identity or reputation of the defending counsel.

Cato's second point, that Cicero should not be defending a person accused under the very law which he himself had proposed, no doubt caused Cicero a great deal of embarrassment. In accordance with Roman custom the name of this law was derived from the *nomen gentilicium* of its initiator, and the members of the jury must have been reminded of Cicero's alleged inconsistency every time the words "*Lex Tullia*" occurred. One notices that Cicero nowhere mentions the law by name and that he tries to transfer the responsibility for its proposal to Sulpicius (46). On the surface Cato's objection seems to be based upon the presupposition that Murena was guilty, and his reasoning appears at first glance to be as follows: "You have shown yourself violently opposed to bribery by securing the passage of a very severe law against it, yet you

defend a guilty man." Perhaps, however, the significance of Cato's argument lies deeper. He may have felt that Cicero, as the leader in the fight against corruption, was obligated to do nothing which would discourage his followers. But the zeal which Cato complained that Cicero showed in his defense of Murena (2) could only lessen the enthusiasm of those who continued to combat this form of immorality. Therefore, even if he believed Murena innocent, Cicero should not have defended, in opposition to his allies, anyone who came under suspicion.<sup>17</sup>

The third point of Cato's attack on Cicero was likewise concerned with alleged inconsistency in the defending counsel's conduct. Cicero, in addition to having played a leading role in the defeat of Catiline at the polls, had forced the conspirator to leave Rome by his violent denunciations. Cato asserted that Cicero was not showing the same strict devotion to duty when he defended Murena (6). No doubt Cato's objection was partly calculated to remind the jurors, when Cicero reached the peroration of his speech and begged mercy for his client, of the consul's own merciless invective in the first two *Catilinarian Orations*; nevertheless, it was all part of his general theme that unswerving honesty must be expected in public life.

Turning from his attempt to prejudice the court against the defending counsel, Cato began his accusation of Murena. Regarding the first heading of the prosecution's case, the *reprehensio vitae*, there is good reason to believe that the stern moralist had much to say. A denunciation of the defendant's personal life by such a man would have carried great weight. Sallust, in his report of Cato's speech against the Catilinarian conspirators, gives an idea of the way in which the prosecutor was accustomed to link corruption in public life with private immorality.<sup>18</sup> Cicero, however, tells us of only one statement made by Cato

specifically on this subject, the remark that Murena was a dancer (13). Though dancing was tolerated as far as hired actors were concerned, such an exhibition on the part of a Roman citizen was regarded as a sign of the basest degeneracy, and Cicero himself made similar charges against his opponents in other speeches.<sup>19</sup>

Regarding the *contentio dignitatis*, as far as we are able to judge from Cicero's speech, Cato offered few additional proofs. He may have disposed of this subject mainly by repeating some of Sulpicius' arguments. But one particular point he did approach in a new manner, since he found it necessary to answer certain objections which the defense had raised against Sulpicius' charges. Sulpicius, as we already have seen, argued that his rival had accomplished nothing in Asia which could have made him popular with the voters, and, to support his contention, probably took special pains to show that the defendant had been incompetent as a military officer. Cicero's colleagues immediately attacked this idea and exalted Murena's military service to the skies. Moreover, Lucullus quite possibly appeared in court as an *advocatus* (20),<sup>20</sup> and this considerably helped their arguments that Murena had conducted himself creditably; perhaps, also, the public dispatches (20) in which Lucullus praised the defendant were read. Therefore, when Cato rose to speak, he found it impossible to maintain any longer the charge of inefficiency against this period of Murena's life. Instead, he accused the defense of wasting time in the glorification of an unimportant trifle like Murena's military career. No matter how many battles he had won in Asia, Cato apparently asserted, the defendant's record never could have brought him any popularity; for the Asiatics were poor fighters, and everybody knew that the war with Mithridates had been waged against weak little women (31).

The section of Cato's speech which

treats the actual crime of *ambitus* is represented by Cicero as being divided into three parts: a discussion of the charges and the evidence supporting them, an attempt to show that the recent decree of the Senate proposing a new law for bribery was a declaration of Murena's guilt, and some general remarks regarding the effect of bribery on the public welfare (54). In respect to the *crimina ambitus* we are somewhat better informed as to Cato's charges than we are in the case of the other two speakers, and Plutarch leads us to believe that the prosecutor had prepared his case well.<sup>21</sup> Cato accused Murena of having violated the *Lex Tullia* in the following ways: first, he had hired a crowd of people to meet him when he returned from his province as a candidate (68); second, he had hired persons to attend him when he appeared in public (70); third, he had given seats at the gladiatorial shows to the various tribes free of charge (72); fourth, he had provided free banquets for the general public (72).

Unfortunately, even when the charges are listed, we are nevertheless not told a great deal about the circumstances surrounding them, which suggests that there was not much to be offered in the way of refutation. The reason that the candidates were tempted to hire crowds of followers, the substance of the first two accusations, was that, by being surrounded with a large group of fawning supporters, they thought to create an impression of popularity and importance. Also, the presence of a numerous and enthusiastic crowd of backers could induce a "bandwagon psychology," swaying hesitant voters by the very volume of enthusiasm. One of the arguments advanced as proof that Murena had hired persons to meet him on his return to Rome was the size of the crowd. Cicero's question, "*Quid habet ista multitudo admirationis?*" (69), indicates that Cato must have asserted that so great

a number of followers would not have appeared without some monetary incentive. Likewise, Cato noted as suspicious the fact that the trade associations, which, being organized, provided a convenient means of bribery, had turned out *en masse* (69). In connection with the accusation that Murena had employed persons to accompany him about the Forum, Cato, who felt that a candidate should seek election, not by means of clever ruses, but solely on the basis of his own merit, asked what need there was for paid escorts (70). Regarding the third of these charges Cato was able to point to individual instances of the distribution of free seats at gladiatorial shows (73).

The second part of Cato's treatment of the *crimina ambitus* contained the discussion of a senatorial decree (67) which, it seems likely, was the decree passed at the instance of Cicero from which the Tullian Law was derived.<sup>22</sup> This resolution had been directed primarily at the activities of Catiline, and the decree, though not necessarily the law which resulted from it, was in form a clarification of and an addition to the previous *Lex Calpurnia de Ambitu* of 67.<sup>23</sup> It defined as illegal a great many practices which were used to circumvent the Calpurnian Law, including the four mentioned against Murena.<sup>24</sup> Since the decree had seemed necessary because of the prevalence of illegal campaigning and since the alleged acts of Murena were included in its provisions, Cato apparently argued that this *senatus consultum* had been directed against the defendant as well as against Catiline and that the Senate had shown by its vote that it believed Murena guilty, in much the same manner as the accusers of another of Cicero's clients, Cluentius, brought forward a senatorial decree as a *praeiudicium* directed against the defendant.<sup>25</sup>

The remainder of Cato's speech, described by Cicero as "de re publica" (54), was devoted to a general discussion of the ethical principles which

bribery violated, and it treated especially the effect of electoral corruption upon the welfare of the nation. The broad nature of Cato's remarks are indicated by Cicero's reply, "*Ambitum accusas; non defendo*" (67). This discussion probably formed one of the longest portions of the prosecutor's address and one of the most effective, since his reputation for virtue provided him with a great advantage here. To some extent the predominance of general ethical considerations in Cato's treatment was due, as in Cicero's case, to the fact that Cato was the last of his colleagues to speak; Cicero's oration has been described likewise as lacking in detailed argument and consisting mainly of universal themes and rhetorical commonplaces.<sup>26</sup> But the chief explanation for the characteristics of Cato's speech is to be found in his personality. As a Stoic he governed his life according to a rigid philosophical system and considered it a moral duty to perceive the ethical basis of every act. The way in which to convince people, he felt, was to show them the rightness or the wrongness of their conduct in relation to the universal scheme of things. Consequently his speeches, as Cicero has remarked elsewhere, contained more lofty argument derived from the study of philosophy than was common in Roman deliberative or forensic oratory.<sup>27</sup>

In connecting the subject of bribery with that of the public welfare, Cato felt that a candidate's motive for seeking office should be to serve his fellow men.<sup>28</sup> Consequently he argued that it was wrong to influence the voters by appealing to their baser instincts (74). The people, he felt, should choose the man who could serve them best. Their minds should be swayed by nothing except the actual worth of the candidate (76), and Cato showed with the frankness of speech characteristic of a Stoic the incompatibility of illegal campaign methods with any exalted sense of patriotic duty (74).

In his discussion of *ambitus* in relation to the *res publica*, Cato also explained his own motives for prosecuting Murena. He stated that he acted as accuser not because of any hatred for the defendant (56), but out of concern for the public welfare (78); for Cato's patriotism was such that, according to Plutarch, he claimed that every public act of his was done in the interests of the commonwealth.<sup>29</sup>

Cicero described Cato as speaking "austere et Stoice" (74). As we have seen, the prosecutor's speech was stern and philosophical in thought, but Cicero's phrase also seems to apply to its style, for there are suggestions of Stoic terminology in it.<sup>30</sup> Yet the tone of the whole, though austere, probably showed little of that dry, logical quibbling which was the defect of so much Stoic oratory.<sup>31</sup> The underlying theme of Cato's speech was the necessity for strict observance of moral law, and on such a topic, if any, the heights of oratory were to be achieved. The prosecutor spoke with reverence of the remarkable virtue of his great-grandfather and described him as the model after which he patterned his own conduct (66); and the inspiration for the pursuit of every virtue, which Plutarch<sup>32</sup> says stirred Cato, must have been apparent in his speech, for Cicero acknowledges the burning feeling with which the prosecutor delivered his address (65).

Thus Cato, speaking with eloquence and fired with moral zeal, and with the facts no doubt on his side, was a redoubtable opponent indeed. Cicero was forced to deliver a masterful oration to save his client. He did much to win his case by pointing out, through his ridicule of Stoic rigidity (61-62), what must have seemed to the jury an element of unrealistic idealism in Cato's argument. They must have regarded the prosecutor as Cicero describes him in one of his letters, a person more at home in Plato's ideal republic than amid the sordid necessities of Roman politics.<sup>33</sup> Most of the

Romans were extremely practical people, who believed in dealing with problems individually in accordance with the needs of the moment rather than by formulating philosophical principles on which to base their actions; and this way of looking at things resulted in a fundamental difference in attitude toward corrupt practices. Cato's emphasis was upon the moral consequences of bribery; the point of his speech was probably that the habitual extravagant violation of the laws against *ambitus* was corrupting the voters in other things as well, and, to put it bluntly, was reducing the candidates to the ethical status of panderers (74). But the ordinary Romans did not view the problem in this fashion. Their pragmatism led to a certain moral shortsightedness on their part, and in their preoccupation with solving the problems of the moment, they sometimes failed to appreciate the future consequences of their actions. Many ordinarily decent candidates, when they saw a wicked rival like Catiline practicing bribery on an immense scale, felt that the need for preventing such a traitor and scoundrel from gaining power outweighed the need for honesty; and expediency drove them to resort to illegal methods themselves. These men were no doubt the kind that continually advocated laws against *ambitus* in the hope of somehow remedying the unfortunate situation; yet they more and more frequently violated these laws themselves when the need arose for circumventing an unworthy opponent. They felt that the immediate end justified the means and failed to see that their practice was only making bribery a more deeply rooted custom and contributing to the general moral decay which caused the rise of such men as Catiline. As Cato said in the Senate when speaking against the conspirators, since the supposedly responsible men of state had become corrupt, constantly scheming for their own gain in public life and in private life think-



ing only of pleasure, what else could one expect but this sort of insurrection?<sup>34</sup>

The prosecution would very likely have succeeded in convicting Murena, however, if Cicero had not appealed to even more pressing considerations of expediency. The jurors were probably convinced in their minds of Murena's guilt, and under ordinary circumstances would have convicted him. But the danger of the Catilinarian conspiracy intervened to save Murena. This peril seemed real and threatening, whereas the danger to the Republic from corruption, which was so familiar a vice, was scarcely visible to them. Consequently, as Quintilian says, Cicero won his case by arguing that the necessity for having both consuls in office, one of them a man of military experience, to oppose Catiline necessitated the acquittal of Murena (79; 82-3); and Quintilian showed his awareness of the central moral issues of the trial when he used the words "... persuasitque nihil esse ad praesentem rerum statum utilis..."<sup>35</sup> This argument appealed to the jury, since it was concerned with an immediate and concrete problem. And Cato failed to make his case when he tried to show that the necessity for improving the political morals of Rome demanded the conviction of Murena.

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NOTES

<sup>1</sup> August W. Zumpt, ed. of *Pro Murena* (Berlin, 1859), xlii; *Der Criminalprozess der Römischen Republik* (Leipzig, 1871), 223; Richard W. Husband, "The Prosecution of Murena," *CJ* 12 (1916-17), 106.

<sup>2</sup> Münzer, *RE*, s.v. "Ser. Sulpicius Rufus," col. 860.

<sup>3</sup> Emil Rosenberg, *Studien zur Rede Ciceros für Murena* (Hirschberg, 1902), 21; cf. Plin. *H.N.* 33, 148.

<sup>4</sup> At least, Cicero's treatment in his reply progresses chronologically: family (15-18), candidacy for quaestorship (19), term as quaestor (19), service under Lucullus in Asia (19-34), candidacy for praetorship (35-36), term as praetor (37-42), governor of province (42).

<sup>5</sup> Cf. Plin. *H.N.* 33, 53.

<sup>6</sup> Cf. Husband, *op. cit.* (above, note 1), 107.

<sup>7</sup> See above, note 1, for the order of procedure at the trial.

<sup>8</sup> Plin. *Ep.* I, 20, 7.

<sup>9</sup> André Boulanger, "La Publication du *Pro Murena*," *REA* 42 (1940), 382.

<sup>10</sup> Husband, *op. cit.* (above, note 1), 108-9; who,

however, thinks it more probable that "de divisio-  
rum indicis" means "concerning the evidence  
that Murena employed agents". But Latin usage  
of the word "indiciu" with a genitive of person  
seems not to allow such an interpretation.

<sup>11</sup> Plut. *Cat. Min.* 22-23; See *Cat. Min.* 5, 2 and  
*Cic. Brut.* 118 for descriptions of Cato's eloquence.

<sup>12</sup> Plut. *Cat. Min.* 48, 5.

<sup>13</sup> *Ibid.* 4, 2; *Cic. Parad. Proem* 1-4; *Leg.* 3, 40.  
<sup>14</sup> Herbert C. Nutting, "On the Teaching of  
Cicero's Orations", *CJ* 12 (1916-17), 256; cf. Plut.  
*Cat. Min.* 23, 1.

<sup>15</sup> Plut. *Cat. Min.* 21, 2.

<sup>16</sup> Husband, *op. cit.* (above, note 1), 104-5; who,  
however, has a somewhat different view of this  
charge.

<sup>17</sup> Rosenberg, *op. cit.* (above, note 3), 21.

<sup>18</sup> *Cat.* 52, 21-3.

<sup>19</sup> *Pis.* 22; *Cat. II*, 23; cf. *Off.* I, 150.

<sup>20</sup> Cf. Münzer, *RE*, s.v. "L. Licinius Murena",  
col. 447.

<sup>21</sup> Plut. *Cat. Min.* 21, 3-4; *Inimic. Util.* 9.

<sup>22</sup> August W. Zumpt, ed. of *Pro Murena* (Berlin,  
1859), xxiv, 115.

<sup>23</sup> August W. Zumpt, *Das Criminalrecht der  
Römischen Republik* (Berlin, 1865), II, 252.

<sup>24</sup> Zumpt, *op. cit.* (above, note 22), xxix.

<sup>25</sup> *Cic. Clu.* 136; see also *Mil.* 12-13.

<sup>26</sup> Cf. Jules Humbert, *Les Plaidoyers Écrits et  
les Plaidoiries Réelles de Cicéron* (Paris, 1925),  
121.

<sup>27</sup> *Parad.*, proem, 1.

<sup>28</sup> Cf. *Cic. Fin.* 3, 64.

<sup>29</sup> *Cat. Min.* 19, 3; 48, 2.

<sup>30</sup> Rosenberg, *op. cit.* (above, note 3), 12; *rec-  
tum* (3) is the Latin equivalent of *katorthoma*,  
the "right action" which the philosopher, possess-  
ing complete knowledge of the universal purpose,  
will perform.

<sup>31</sup> Cf. *Cic. Brut.* 118.

<sup>32</sup> *Cat. Min.* 4, 1.

<sup>33</sup> *Att.* II, 1, 3; see also *Att.* I, 18, 7; Plut.  
*Cat. Min.* 47, 2.

<sup>34</sup> Sall. *Cat.* 52, 23.

<sup>35</sup> Quint. 6, 1, 35; see also *Cic. Flacc.* 98.

#### A COMMON DENOMINATOR

Roman law still lives in the legal institu-  
tions and customs of the Western World  
and this fact can have great international  
significance. If mutual understanding is  
necessary for friendship and good will  
among nations, a thorough knowledge of  
Roman law will help to create that under-  
standing. Statesmen well grounded in its  
principles will understand their mutual  
legal problems better and international  
treaties will thus have a greater chance of  
success.

This is the belief of Prof. Adolph Berger,  
as reported in *The New York Times* (Sept.  
27, 1953), of the City College and French  
University of New York. The occasion was  
the completion, after seven years, of his  
*Encyclopedic Dictionary of Roman Law*.

If the Society responsible for the publica-  
tion agrees with Prof. Berger, it is hoped  
that a desk copy was sent to all delegates  
to the United Nations. A better world in  
the legal sense might not appeal to the  
Russians, but could they do better in one  
volume?

JFL

# NOTES

## JUBA II—AFRICAN KING

THE meritorious status attained by a monarch of Numidia almost escaped the notice of history. When the peerless Julius Caesar set about reorganizing the Roman world, he made Numidia a province—*Africa nova*—under a proconsul. The historian Sallust had served at that proconsular post one year, "nominally," says Dion, "to govern it, but in reality to ravage and plunder it."<sup>1</sup> Augustus handed it over to Juba II, the direct descendant of Masinissa.

Juba II, when a lad, had been taken captive to Rome by Julius Caesar. The dictator had signally defeated Juba I, who had unwisely joined the Republican forces during the Civil War, at Thapsus, in 46 B.C. Robbed by a suicidal dagger of the regal adornment of Juba I, Caesar compelled the young prince to grace his triumphal chariot. Subsequent death might have been the boy's fate had not his comeliness and manifest intellect attracted the eye of the great Augustus, who committed him to the care of his sister, Octavia, discarded wife of the ill-starred Antony. By literary and peaceful pursuits, young Juba became one of the savants of the times.

In 30, B.C., Augustus gave to the African the throne of Numidia, and also the hand of Selene, daughter of Mark Antony and the fateful Cleopatra, in marriage. The capital of the kingdom was set up at an old Phoenician city renamed Julia Caesarea, and now called by the Arabs *Cherchel*. During a prosperous rule of almost fifty years, in this city, palm-fanned, magnificently proportioned and embellished with Greek and Roman works of art, he gathered around himself all the literary and art celebrities of his time, introducing to the tribes of North

Contributions to this department in the form of brief objective notes should be sent direct to the editor, Oscar E. Nybakken, State University of Iowa, 124 Schaeffer Hall, Iowa City, Iowa.

Africa hitherto unknown elements of civilization.

The curious intercrossing of human courses is attested by the fact that his daughter, Drusilla, married Felix, governor of Judea, before whom the apostle Paul was arraigned.

"Had Juba II lived in other times, his career would have entitled him to a more conspicuous position, but the dazzling rule of the Caesars and the stirring events in other parts of the world at the dawn of the Christian era cast into the shade the unobtrusive labors of so peaceful a monarch, affording but few materials for the historian."<sup>2</sup> In testimony of his popularity, the Athenians raised a statue in his honor and desert tribes called him a god: *Et Juba, Mauris volentibus, deus est*.

Of his literary work mere fragments remain; but the Romans Strabo and Pliny acknowledge the excellence of his researches and quote freely from his histories of Rome and Arabia, as well as from his other treatises.

Cresting a lonely hill some ten miles from his one-time capital stands a monument, now in impressive ruins, which the Afric sovereign reared to house his and his wife's remains—"An enduring memorial of the most learned, if not the greatest of Numidians."<sup>3</sup>

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Spingarn H.S., Washington, D.C.

### NOTES

<sup>1</sup> Roman Africa, S. Graham, ch. 2, 25ff.

<sup>2</sup> A. Graham, *op. cit.*, 27.

<sup>3</sup> A. Graham, *ibid.*

\* \* \* \*

We welcome this note from a high school teacher. It happened not to pass through Mr. Nybakken's hands. Not as many good notes are sent him as we could wish.



# Britain and the Britons

As Described by Tacitus and Others

VERY OFTEN it is said that the written history of England begins with Julius Caesar's account of his two expeditions to ancient Britain in 55 and 54 B.C. What the condition or history of the British Isles was before Caesar's invasion is wrapped in obscurity. A few Greek writers refer vaguely to Britain, but little was known about the country or its inhabitants. Even Caesar gained but little detailed and accurate knowledge of the country. The two expeditions of Julius Caesar, as Tacitus<sup>1</sup> says, had shown Britain to his successors rather than bequeathed it to them.

After Caesar's expeditions, the Romans did not go there for nearly one hundred years. In 43 A.D. the southern part was subdued and brought under Roman occupation. In 98 A.D. Tacitus included in his eulogistic biography of his father-in-law Agricola, one-time governor of Britain, a description of the early Britons and something of the geography and climate of the country.

In this paper it is not my purpose to give an exhaustive account of everything written about Britain in early times, but rather to go back to the original sources, as far as possible, and find in what respects the writers agree and disagree about this country which for many years was considered almost a *terra incognita*.

The earliest historian of record to write about Britain is the famous Greek traveler, Pytheas<sup>2</sup> of Massilia, who visited Britain and parts of northern Europe about 325 B.C. Unfortunately his work exists only in fragments. Other Greek authors who have written about Britain are: Diodorus Siculus (40 B.C.); Strabo, in the time of Augustus; and Dio Cassius, who wrote in Greek a Roman history from the beginnings of Rome to 229 A.D.

Perhaps the fullest account is given by Julius Caesar in his descriptions of

his two invasions. Other Romans who wrote about Britain are: Pomponius Mela, in the time of Claudius; the elder Pliny (d. 79 A.D.); Livy, whose account of Britain is unfortunately lost; Fabius Rusticus, a Roman historian contemporary with Tacitus whose works are no longer extant; and Tacitus. Other Latin writers have brief references among whom may be mentioned Suetonius and Juvenal.

The early writers—Caesar,<sup>3</sup> Strabo (4.5.1), Mela (3.6), and the elder Pliny (NH 4.30.102)—agree that Britain is an island and triangular in shape. Caesar (5.12) estimates the distance around Britain as two thousand Roman miles. Pliny (*loc. cit.*) states that the circumference had been calculated by Pytheas, whose estimate, 4875 Roman miles, was excessive. Furneaux<sup>4</sup> states that Caesar's estimate is fairly accurate, if we calculate as a sailor might without following the coast line too closely. Diodorus Siculus (5.21.1-3) also describes Britain as a triangular island. He adds that in ancient times it remained unvisited by foreign armies and that neither Dionysus nor Heracles, nor any other hero made a campaign against it.

Tacitus (10.5) gives Agricola credit for first establishing its insular character:

Hanc oram novissimi maris tunc primum Romana classis circumvecta insulam esse Britanniam adfirmavit.

Dio Cassius (66.20) says that war had broken out in Britain and Gnaeus Julius Agricola overran the whole of the enemy's territory there. He adds that Agricola was the first of the Romans whom he knew to discover the fact that Britain is surrounded by water.

Tacitus (10.2), like most of the other writers, made the mistake of placing Spain too far to the north and west and believed that the coast of Britain was parallel to that of Gaul down to the

Pyrenees. These writers did not seem to realize that Brittany projects far out into the ocean, and the Bay of Biscay was evidently unknown. Tacitus, like Caesar (5-13) seems to have thought that Spain faced the southwest coast of Britain.

Unlike most of the writers, Tacitus does not compare the shape of Britain to a triangle:

Formam totius Britanniae Livius veterum, Fabius Rusticus recentium eloquentissimi auctores oblongae scutulae vel bipenni adsimulavere. Et est ea facies citra Caledoniam, unde et in universum fama; sed transgressis immensum et enorme spatium procurrentium extremo iam litore terrarum velut in cuneum tenuatur. (10.4)

This is a difficult passage because the shape of a *scutula* is not known to us. Tacitus seems to think that this is the shape without Caledonia (the portion of Scotland north of the isthmus between the Firths of Forth and Clyde); but the shape is not at all like a double-axe, but more like a single one.

Tacitus adds (10.5) that Agricola discovered and subdued the islands unknown until that time which are called the Orkneys. The word *incognitas* probably should be translated "unexplored," for Mela (3.6) mentions them, saying that they are thirty in number, and Pliny (*NH* 4.30.103) thinks that there are forty. The number of Orkneys given today<sup>5</sup> is sixty-seven (not including rocky islets), of which twenty-nine are inhabited.

Tacitus shares a widely current view of the character of the expanse of the sea where it is not broken by land. He calls it *mare pigrum*. (10.6) Pytheas, according to Strabo (2.4.1), said that in that place land, sea, and air were all confused into a mass resembling a jelly-fish, which could neither be walked over nor sailed through. Tacitus does not discuss the tides as does Caesar (4.29), who seemed to know that the moon affects the tides:

Eadem nocte accidit ut esset luna plena, qui dies maritimos aestus maximos in Oceano efficere consuevit, nostrisque id erat incognitum.

Diodorus (5.22.2-4) also mentions the high tides. In speaking of an island

called Ictis, off the coast of Britain, he says that at the time of ebb-tide the space between the island and the mainland becomes dry and that tin can be taken over to the island on wagons; but a peculiar thing happens in the case of the neighboring islands which lie between Europe and Britain, for at flood-tide the passages between them and the mainland run full and they have the appearance of islands, but at ebb-tide the sea recedes and leaves dry a large space, and at that time they look like peninsulas.

Tacitus (13.3) states that Britain is frequently rainy and foggy, but that the bitterness of cold is absent:

Caelum crebris imbris ac nebulis foedum; asperitas frigoribus abest.

He does not, however, distinguish one part of Britain from another in respect to climate. Caesar (5.12) describes the climate of Britain as being more temperate than that of Gaul, and the cold seasons more moderate. This is in contrast to Diodorus Siculus (5.21.6) who says that the climate is very cold. Strabo (4.5) says that their weather is more rainy than snowy, and on the days of clear sky, fog prevails so long a time that throughout a whole day the sun is to be seen for only three or four hours around about midday.

It is stated by Tacitus (12.3) that the length of days in Britain is greater than at Rome and that the nights are very short. It is quite evident that he knew that in winter the situation is reversed. Caesar (5.15) says that some have written that in midwinter night there lasts for thirty whole days. He states further that he could find out nothing about this by inquiries; but by exact measurements made with a water clock, he observed that the nights were shorter than on the continent. Finally, Juvenal writes:

... Arma quidem ultra Litora Iuvenae promovimus et modo captas Orcadas ac minima contentos nocte Britannos. (2.161f.)

In describing the Britons, Strabo (4.5.2) speaks of them as having no experience in gardening or other agricul-

tural pursuits, but Caesar (5.12) describes them as tilling the fields and raising cattle. Tacitus says:

solum praeter oleam vitemque et cetera calidioribus terris oriri sueta patiens frugum, fecundum: tarde mitescunt, cito proveniunt; eademque utriusque rei causa, multus umor terrarum caelique. (12.5)

Perhaps we should come now to the inhabitants themselves. Who were they? Were they indigenous, or, if not, from what place had they come? Caesar says:

Britanniae pars interior ab eis incolitur quos natos in insula ipsi memoria proditum dicunt; maritima pars ab eis qui praedae ac belli inferendi causa ex Belgio transierunt (qui omnes fere eis nominibus civitatum appellantur quibus orti ex civitatibus eo pervenerunt) et bello inlato ibi remanserunt atque agros colere coeperunt. (5.12)

Diodorus Siculus (5.21.5) states that Britain is inhabited by tribes which are autochthonous and preserve in their ways of living the ancient manner of life. Tacitus (11.1-4) tells us that little is known about the early inhabitants, whether they were indigenous or came to Britain. He says that their varied appearance has caused arguments; that the red hair and large bodies of those inhabiting Caledonia indicate Germanic origin; the swarthy features and curly hair of the Silures and the fact that they are opposite Spain (as he thought) would cause one to believe that in early times the Spaniards had gone across to Britain. He adds that those nearest the Gauls are similar to them and he thinks it likely that the Gauls occupied the island. He gives as a proof of this the fact that they have the same religious rites, the same superstitious beliefs, and the same speech. The dialects of early Britain, like those of Gaul, were Celtic.

Let us compare with what the ancient writers have said the views of some modern writers.

J. H. Sleeman (on 11. 2, *colorati*) says:

Tacitus' theory that they came by sea from Spain is certainly wrong and is due to the erroneous notion that Spain lay near the west coast of Britain. They were probably a Celtic tribe with a large admixture of an earlier, dark-

featured, non-Aryan population, "Iberian" only in the modern ethnological sense of the term, as indicating a small, dark, long-skulled race which inhabited various parts of the Mediterranean basin, Spain included, in the later Stone Age.

C. Hignett<sup>6</sup> makes this statement:

The history of the Celts in Britain before Caesar's invasions is obscure; it is usually assumed that P-Celts had invaded the country before the middle of the fourth century, and that their arrival had been preceded by invasions of the Q-Celts. The chief finds of Early La Tene objects in England come from Wessex (especially Wiltshire) and from burials in Yorkshire; Wessex may have been invaded by settlers from southwest Gaul, but the origin of the people represented by the chariot-burials in Yorkshire is obscure. At the time of Caesar's invasion the interior of the island was held by tribes who were believed to be descendants of the original inhabitants, but the coast districts near Gaul had now been occupied by Belgae from across the Channel. Belgic settlers began to penetrate into southeastern Britain during the period 100-60 B.C., but there was no extensive displacement of population. A Belgic chief, Diviciacus, ruler of the Suessiones in Gaul, brought part of Britain under his control about 80 B.C.; his conquests were lost after his death, but the Belgae of Britain continued to maintain connections with their continental kinsmen.

Sleeman<sup>7</sup> thinks that Tacitus gives the correct explanation when he says that the Gauls (or Celts) went to Britain:

Celtic immigrations began possibly as early as the 7th century B.C. The notion that the Celts came in two well-defined waves of invasion, first the Goidels who at the time of the Roman occupation populated Ireland, the Scottish Highlands, most of Wales, and the West of England, and secondly the Brythons who inhabited the rest of England, does not appear so certain as was once thought, though of course the existence of two Celtic dialects, Goidelic and Brythonic, is incontestable.

Most of the ancient writers agree that in many respects the Britons resemble the Gauls but are not so far advanced. Strabo (4.5.2) describes the men of Britain as taller than the Celts and not so yellow-haired, although their bodies were of looser build. He adds, as an indication of their size, that he, in Rome, saw mere boys (Britons) towering as much as half a foot above the tallest people in the city. In the same passage he states that their habits are in part like those of the Gauls, but in part more simple and barbaric. Caesar (5.14) says that the inhabitants of Kent, an entirely maritime district, are by far the most civilized, differing but little from the Gallic manner of life. Both Mela (3.6) and Caesar (5.14) say

that the Britons dye their bodies a dark blue color, which makes their appearance in battle more terrible, and also that their civilization decreases as they are farther inland. Those inland live on milk and flesh and clothe themselves in skins. Diodorus Siculus (5.22.1) in his description of the Britons, states that the inhabitants who dwell about the promontory known as Belerium (probably St. Michael's Mount) are especially hospitable to strangers and have adopted a civilized manner of life because of their intercourse with merchants of other peoples.

It seems that the Britons had established a reputation for bravery and for being good fighters. Tacitus, comparing them with the Gauls, states:

Plus tamen ferociae Britannii praeferunt, ut quos nondum longa pax emollierit. Nam Gallos quoque in bellis floruisse accepimus; mox segnitia cum otio intravit, amissa virtute pariter ac libertate. Quod Britannorum olim victis evenit: ceteri manent quales Galli fuerunt. (11.5)

Both Caesar (4.33) and Tacitus (12.1) mention the use of chariots in warfare by the Britons, but Tacitus adds that their strength is in their infantry. Caesar gives a rather detailed account of this method of fighting with chariots. They tried to throw the ranks into confusion by driving around and hurling missiles. They would often leap down from the chariots and fight on foot. Meanwhile the charioteers would retire gradually from the combat and would wait for the warriors, who, when hard pressed, would run to the chariots and be carried away from the danger. By daily practice they became quite expert. Strabo (4.5.2) also mentions their use of war-chariots, but Mela (3.6) seems to be the only writer who mentions the scythe-chariots.

In regard to scythe-chariots, T. Rice Holmes<sup>8</sup> makes the following comment:

Remains of war-chariots have been found in British graves, principally in Yorkshire, but not nearly so many as in France. Yet the Gauls had evidently ceased to use them before the time of Caesar, for he never mentions them in describing his Gallic campaigns. It has been suggested that

the Gauls who spent much money in buying well-bred horses, discarded chariots for cavalry, when they began to import animals powerful enough to carry big men and to charge with effect. British horses, so we know from the skeletons that have been unearthed, were for the most part no bigger than ponies. It is a popular delusion that the British chariots had scythes.

Caesar (5.12) tells us that the Britons used either bronze or gold coins or, instead of coined money, bars of a certain standard of weight. He adds that tin was produced in the midland districts of Britain, and in the maritime districts, iron; but the bronze they used was imported. Diodorus (5.22.2-4) also speaks of tin in Britain, how it was mined and then imported to Gaul. It seems that Caesar was wrong in stating that tin was produced in the midland districts of Britain; for it was always peculiar to the southwest peninsula, Devon and Cornwall.<sup>9</sup> Tacitus (12.6) tells us that Britain produces gold and silver and other metals. He adds that the ocean produces pearls, but dark-colored and of rather inferior quality. Pliny the Elder (NH 9.116) says that the pearls of Britain were small and discolored. Suetonius (Jul. 47) says of Caligula that he had sought Britain because of the hope of pearls. Pliny (NH 9.169) and Juvenal (4.141) mention the Rutupian oysters (of Whitstable, Kent).

Very little is told about the government of ancient Britain. Tacitus (12.1) tells us that in former times there were kings, but, at the time when he was writing, the Britons were distracted by factions and rivalries due to their chieftains. It was quite probably a tribal government similar to that which Caesar found in Gaul when he first invaded that country. Dio Cassius (60.2 a f) states that the Britons were not free and independent but were divided into groups under various kings. He may have meant chieftains instead of kings in the true sense of the word. He speaks also of the stubborn resistance of the Britons, but said that they lacked organization.

According to Tacitus (12.2) this lack of organization among the Britons was

an advantage to the Romans when fighting against them:

Nec aliud adversus validissimas gentis pro nobis utilius quam quod in commune non consulunt. Rarus duabus tribusve civitatibus ad propulsandum commune periculum conventus: ita singuli pugnant, universi vincuntur.

The rebellion, which occurred in 61 A.D., under Boudicca, the queen or leader of the Iconi, is mentioned by Tacitus (16.1), and concerning Boudicca he makes this interesting comment: *Neque enim sexum in imperris discernunt*. Tacitus (13.1) pays tribute to the love of freedom as shown by the Britons: *Iam domiti ut pareant, nondum ut serviant*.

The religion of the Britons is not mentioned specifically by Tacitus in the *Agricola*, although he does mention the fact that they have the same rites and superstitious beliefs as the Gauls (11.4): *Eorum (Gallorum) sacra deprehendas, superstitionum persuasiones*. He does not speak of the Druids by name here, but in his later account of the raid of Suetonius on Anglesey (*Ann.* 14.30.1) he mentions them. In a well known passage (5.13) Caesar remarks that Druidism was discovered in Britain and that it was imported from there into Gaul. He adds that those who wished to obtain more thorough knowledge of Druidism went to Britain to study it. Caesar (6.16-19) has given a detailed account of the Druids and their worship among the Gauls, but he has little to say about their worship among the Britons except in the passage mentioned before.

In regard to this statement of Caesar, Hignett<sup>10</sup> says:

On the origin of the Druidic teaching Caesar quotes the belief of the Gauls in his time . . . . This belief may be accepted in a modified form as correct; probably the Celts after their arrival in Gaul had introduced into their religion elements derived from the pre-Celtic population of the land, elements which were common to the religion of the pre-Celtic inhabitants of Britain and survived in Britain to Caesar's time in a purer form than in Gaul . . . . Nothing is known about the organization of the British Druids, but they seem to hold a less important position than their brethren in Gaul. Perhaps the explanation for the lesser importance of the Druids in the British states is that monarchy was maintained

there and the ruler retained some control over religious observances.

In general, Druidism shows religious conservatism which may explain the absence of man-made temples and of sculptured images of the gods and also the continuation of human sacrifices mentioned by Caesar and other writers, some of whom mention as associated with these sacrifices, the practice of divination from human victims.

Many authorities, however, still believe that Stonehenge is a Druid temple.

In studying about the early Britons we may wonder why the ancient writers did not tell us more. Their omissions are often puzzling. Tacitus, for example, did not mention Londinium, although he must have known much about it. It seems, too, that Caesar could have told more about the country and people of Britain. If, on the other hand, we stop to consider the type of their writing, especially that of Caesar and Tacitus, it becomes surprising that they wrote so much. Caesar was writing his *Commentaries on the Gallic War* in a very brief, concise form, telling chiefly of his own victories. It is fortunate that he took time to tell about these other things, which after all may prove to be of more lasting interest than the accounts of battles and campaigns. Tacitus was not writing history or geography as such in the *Agricola*.

Syme<sup>11</sup> in his discussion of the *Agricola* says:

Tacitus may have known more than he has told, but it is also possible that he neither clearly understood nor accurately transmitted some of the information which he had derived from the conversation of his father-in-law. Another danger besets the interpretation of the *Agricola*—it has the character of a funeral oration.

Tacitus (3.3) himself tells us that he was writing this book in honor of his father-in-law Agricola. In a eulogistic biography of this kind we should hardly expect such themes as the geography and climate of Britain or a description of the inhabitants and their customs. We are glad, however, that he has given us this information.

ISABEL WORK

Southeastern State College  
Durant, Oklahoma

(See page 272)



# We See . . . By the Papers

Edited by John F. Latimer

## BEER ON THE MOON

It measures four inches by six and is made of clay. On it in Sumerian script is the oldest known medical prescription written about 2100 B.C. It was discovered about fifty years ago in an expedition conducted by the University of Pennsylvania at Nippur, Iraq — about 100 miles south of Baghdad. (*The New York Times*, Sept. 27, 1953.)

One thing about the medical text is unusual, according to the translators, Drs. Samuel N. Kramer and Martin Levey: "It is 'completely free from the mystical and irrational elements which dominate Babylonian medicine of later days.'"

A sample prescription will give the flavor of the clay document: "Grind to a powder pear-tree wood and the flower (?) of the 'moon' plant, then dissolve it in beer and let the man drink."

To those who might be tempted to use this as a remedy today, this warning: the extant text does not mention the disease for which it was prescribed.

## THE TIBER TIMES

This is the name of a newspaper "Published and Printed each Ides of March by the Advanced Latin Class, with the assistance of the other four Latin classes at Topeka High School . . . Topeka, Kansas."

Written in the You-Are-There style and with a view to sales among students not in one of the five-repeat-five Latin classes, it has four pages of excellent news coverage. The feature story of course is indicated by the front-page banner: "Conspirators Murder Caesar In the Senate." Other articles on the first page are built around the lead:

Brutus, Cassius Lead / Throng of Conspirators

A Soothsayer / Warns Caesar

Mark Antony Arouses Great Masses / By Giving Stirring Eulogy for Caesar.

On the two inside pages there are articles about Caesar's wife, Calpurnia, and about Brutus. But society, municipal matters and local items are not neglected. Sports take up the last page. All hail to the Tiber Times!

## ROAD TO RUIN?

Is the modern world on a road that will lead eventually to its own destruction? In the opinion of the British historian, Arnold Toynbee, it is. He bases his conclusion on a comparison between the situation in the world today and an analysis of the steps that led to the downfall of Greece and Rome.

The analysis goes something like this: The greatest mistake of the Greeks was worship of the state as the highest form of human organization. This deification of the state led to rivalries between various city-states and to the fratricidal conflict between Athens and Sparta from which their civilization never recovered. They turned from worship of the state to worship of "deified individuals," who gradually evolved into dictators, and dictatorships in the Greco-Roman world created a spiritual vacuum which contributed to Rome's fall.

We in the Western world, although we do not admit it to ourselves, glorify the national state. The Communists have a state dictatorship, which they will not admit, and there is a competition between these two ideologies for control of the world. It is not inevitable, as we assume, that one or the other will win out. It is much more likely that both will follow the pattern of Greece and Rome and both will lose.

These views of Mr. Toynbee were given January third in the first of a series of radio lectures sponsored by Columbia University. They were carried over a nationwide hookup as part of its bi-centennial celebration and were widely featured in the nation's press.

## BLOOD LANGUAGE

Beginning with the January issue "Blood — The Journal of Hematology," will publish a summary of each technical article in 'Interlingua,' the synthetic language extracted from Italian, French, English, Spanish, and Portuguese." This will be the first attempt on the part of an internationally distributed medical journal "to break down the great barrier of language between nations." (*The New York Times*, Jan. 3, 1954.)

For best results add to sweat and tears a little Latin and shake well.

## Romansh, *Linguarum Latinarum Latinissima*

THERE ARE BASICALLY two ways of studying and enjoying Roman culture. The most direct approach is the study of the original language, the words of the Roman such as he has left them for us forever. Another less direct, but at times infinitely rewarding, approach is the study of what we might call Rome's descendants: the study of those cultures which, despite the hazards of centuries of evolution and revolution, have preserved one or another aspect of the Roman heritage we love. The Latin cultures and languages have therefore always been of great interest to the classical scholar and we might say that this interest necessarily increases in proportion to the degree in which they have remained faithful to the Roman original.

As if by irony, the study of the two most Roman of Romance languages, Romansh and Provençal, has been sadly neglected. Yet this neglect has taken on a different form in each case. While France is by now well aware of the importance of Provençal culture, the language is dying, if not dead. On the other hand Romansh culture, despite its important contribution, is practically unknown outside Switzerland,<sup>1</sup> while the Romansh language was recognized officially in 1938 as the fourth Swiss national language, and is now definitely preserved from extinction.

Of course the Romansh people are not numerous. Apart from two groups, a small one mainly located in the Tyrol and a large one in the province of Udine (neither of which receives any encouragement or sympathy from the Italian government and which are bound to disappear) they are all located in eastern Switzerland. Even in the one canton they occupy they represent a minority. Slightly over 40,000 in number, they share the Grisons with some 50,000 German- and 16,000 Italian-speaking people. Their territory in the

eastern tip of Switzerland bordering on Austria and Italy is as small as their numbers. Yet it has been and is an important part of the Alps. Through it lead the only feasible north-south routes between the Gothard and the Austrian mountain passes, and both the Rhine and the Inn river have their springs in Romansh territory. As far as tourism goes, San Murezzan (St. Moritz) probably still is the skiing capital of the world.

What is today the eastern tip of Switzerland was in Roman times the westernmost part of the province Rhaetia. When conquered in 15 B.C. by Drusus and Tiberius, the Rhaeti must have been a fierce and powerful tribe, but beyond the fact that they were "devota morti pectora liberae . . ." <sup>2</sup> and gave Horace a chance to praise the otherwise unlovable Tiberius, we know rather little about them.

This much is fairly certain: the Rhaeti must have been akin to the Illyrians and Veneti though possibly mixed with a pre-Indogermanic original population. Their language may have stood somewhere between the Italic-Latin and the Celtic tongues. Possibly there were also Etruscan influences. If we may believe Livy, Pliny and Pompeius Trogus, Etruscan tribes fled into the mountains during the Celtic conquest of North Italy; Etruscan remains in Romansh territory seem to corroborate this theory. Since we know very little about the Rhaetic language and even less about Etruscan it is indeed hard to prove what in Romansh might be a survival of either. In any case it is very little. The best evidence of non-Celto-Roman origins of the language which we have are numerous place names, such as *Plessur*, which in Celtic no doubt would have lost its *p* while in Germanic and Latin something like *flussura* would have been expected. But long before the Romans had conquered Rhaetia, its upper class had become



Celtic, and Celto-Rhaetic was spoken. Under Roman influence this developed into Celto-Roman with a gradual decline of the Rhaetic and possible Etruscan elements. Of course the term Rhaeto-Romance is still officially applied to the linguistic group as a whole, including the Tyrolian and the Friulian groups in Udine, but for Romansh especially it seems to be a badly chosen term, since it stresses the unimportant Rhaetic and fails to account for the strong Celtic element in the language.

Despite this confusion in terminology Romansh is definitely a Celto-Roman language with emphasis on the Roman. It now is together with French the sole representative of this once so important linguistic family. Romansh and French are indeed very similar. Already in the 18th century the Romansh Joseph Planta, who was then assistant librarian in the British Museum, drew attention to the closeness between the language of the *Strassburg oaths* (842), the oldest document in the French language, and modern Romansh. Even today whole pages in a Romansh dictionary resemble a somewhat misspelled French: *abitant*, *abolir*, *acceptêr*, *accomplir*, *deviêr*, to quote only a few examples.

Permanently isolated from the rest of the Celto-Roman territory by successive Germanic invasions and later by the spreading of Tuscan Italian into the Piedmont, Romansh was nevertheless able to continue its own line of development. True, it absorbed a great many German elements. The formation of composite words and the use of the trema ['diaeresis' in English and Classics—Ed.] for umlaut are Germanic. So are a considerable number of words, especially those relating to agriculture. A good deal of Italian influence is also manifest, but during its entire growth it remained more conservative and therefore more Latin than its Romance sisters. "Rumauntsch vain da Roma . . . da Roma cur eira latina . . ." "Romansh comes from Rome . . . from Rome when Rome was Latin . . .",

says Conradin de Flugi (1787-1874) in his poem *To the Romansh People*. Romansh faithfulness to Roman tradition is indeed evident in the very name of the language. *Lingua romauntscha* means *lingua romana*. There are slight variations in Romansh speech from one valley to another, and the speech of the Engadine valley is actually referred to as *lingua ladina*, i.e., Latin.<sup>3</sup>

The terms Roman and Latin are not badly chosen, for Romansh has preserved a considerable Latin vocabulary which has disappeared from all other Romance languages. Good examples are found in the color adjectives: *coccinus* (scarlet) survives in *cotschen* (red), *albus* (dead white) in *alb* (white), *melinus* (honey-colored) in *mellen* (yellow). A considerable number of important verbs are also preserved in Romansh alone: *inclêr* (to understand) from Latin *intelligere*, *quescher* (to be silent) from *quiescere*, *antscheiver* (to begin) from *incipere*, to quote only a few. The nouns and adjectives of course are legion: *cudesch* (book) from *codex*, *mür* (mouse) from *mus*, *djuvi* (shoulders) from *iugulum*, *molta* (mortar) from *molita* (that which is ground), etc. Good recent lists of such exclusively Romansh Latin survivals can be found in Alwin Kuhn's *Romanische Philologie* I. Bern 1951, G. Rohlfs' *Romanische Philologie* II. Heidelberg 1952, and others. But one hardly needs such ponderous volumes to go on a fascinating exploration trip of one's own. All that is required is one of the many good Romansh dictionaries now available and of course an etymological dictionary to make sure that any Latin word assumed to survive in Romansh alone appears in none of the other Romance languages. A great deal of original research is still possible and necessary to establish Romansh definitely as "linguarum latinarum latinissima" and we can only hope that sooner or later this worth-while subject will tempt some candidate for the Ph.D. degree.

A number of typical Latin words used today in Romansh must nevertheless be considered with great caution. These are reintroductions of such "international" words of Latin origin as *visitèr*, *gloria*, *memoria*, *gratitudine*, and many others. It would be entirely false to accept such words as proof of Romansh latinity, especially since they mostly replaced older typically Romansh expressions. Often a word of Latin origin has in this evolutionary process been replaced by another of equally sound Roman heritage. Thus the older *recognuschentscha* (recognition) yielded its place to *gratitudine* (gratitude). In the 19th century an all out effort was made to latinize in this fashion an already Latin language and one cannot but understand that today a strong reaction against such artificial embellishments has set in. "Ni Italians, ni Tudais-chs! Rumanschs vulains restar!" "Neither Italian nor German! Romansh we wish to remain!", was the battlecry of the Romansh when they fought for their linguistic independence in the thirties and they are right to assert this independence also against any post-mortem claims of "mamma Roma".

The Romansh are nevertheless so basically Latin that being true to themselves they cannot help remaining true to Rome. This becomes quite evident in the uniquely Romansh process of deliberately creating new vocabulary as it is needed. Ever since the rich and beautiful Romansh literature began in the 16th century with the translation of the New Testament and the Psalms by Bifrun and Chiampel, Romansh had to struggle with certain limitations of its vocabulary which are only to be expected in the language of such an isolated region. For the Bible translation, such words as throne (*trun*), anchor (*anchora*) and barbarian (*barbaris*) had to be especially coined and were explained in elaborate footnotes. The note on *barbaris* has given cause for much hilarity up to the present day since it defines the word as

meaning "gross uncivilized people, such as German Swiss."<sup>4</sup>

With the advent of tourism during the last century and the consequent increase of contact with the outside world the need for new vocabulary grew tremendously. Poets, scholars, journalists and professional men took the lead in creating it. Thus the engineer and the linguist would combine forces to make a special dictionary for the small number of Romansh electricians or auto mechanics or, as happened only last summer, a Romansh daily would publish a complete vocabulary on sport fishing. Suggestions for new words often appear in such lists or are encircled in black when first used in newsprint. If they are accepted into common speech they will eventually find their place in the official dictionaries.

It would be quite wrong to imagine that any desire other than to be as Romansh as possible is evident in these linguistic innovations. Yet even here Romansh cannot deny its latinity and sometimes the solutions found by applying old Latin (though now typically Romansh roots) to new concepts cannot but delight the classical scholar. In common with other Romance languages Romansh has a verb derived from the Latin *battuo* (to beat), in Romansh *battèr*. Now when progress forced the Romansh to find their own word for typewritten copies they thought of the obvious fact that a typewritten copy is arrived at by striking a key against the original and through this on a carbon so that an imprint may be left on the copy. The letter so to say is "beaten" through the first two papers to hit the third. *Battèr* means to hit, the Latin trans is preserved in the Romansh preposition and prefix *tra*. The word for typewritten copy thus became *trabat* from Romansh *tra* and *battèr* (Latin trans and battuo), that which has been "beaten through".

Or take the word for office window, Romansh *fnestrigl*. Both Italian and French have preserved the Latin word

*fenestra* (finestra, fenêtre), but for office window they chose *sportello* and *guichet* respectively. Romansh stuck to the Latin and created *fnestrigl* (a little window) derived from *fnestra* and strongly reminiscent of its exact Latin equivalent *fenestrella* (little opening or window).

Examples of such "new Latin words" in Romansh are quite frequent. Mostly they come from the Engadine valley where the language so proudly calls itself *ladin*.

What may at first sight seem to be trivial linguistic curiosities from some remote Alpine valley have a deeper meaning to us Latin scholars. If Chaucer's poetry is English, then Romansh is vulgar Latin, still in the process of fast and vigorous growth. Let us not be discouraged by the fact that this growth is somewhat artificial since it is due to deliberate creation. Philologists do not by definition lack artistic sense and imagination. Besides, once a word becomes common usage it is alive regardless of its origin. Nobody expects a language to remain unchanged for two millennia; indeed, a certain amount of transformation is part of any normal evolution. Change is not death and there is no reason why Latin of all languages should be denied the right to grow. He who has studied Romansh is likely to have his own ideas about how "dead" Latin is.

What has been said here can hardly give a complete idea of Romansh latinity unless we illustrate it by an example. The verses quoted are the first stanza of a popular song by R. Cantieni. The Latin translation given below each line uses as far as possible the words from which the Romansh equivalent has been derived. The original word order has also been preserved. All this does not make for very pure Latin but it helps to show the similarity between the two languages. Articles like *la* (from *ille, illa*) and prepositional genitives like *da la* (from *de + ab + ille, illa*) naturally cannot be translated literally. It is equally im-

possible to preserve in Latin the composite past tenses typical for all Romance languages and English. Thus (line 8) *ha* (auxiliary) *chantà* (past participle) must be translated by the single word *cantavit*. A similar example is found in line 6. Here, rather than to use *permulceo* I felt inclined to leave *charezzà* untranslated. Like the English "caress", it is based on the Latin *carus*, but the Roman tongue has no verb with such a root.

I am not entirely certain of the origin of two words in the poem. *Lamma* or *lammitscha* (line 3) has the same meaning as Latin *mitis* and may very well be derived from it. *Engiadina* (line 7) certainly comes from *Aenus*, the Inn river, but the last syllables of the word may well stem from the tribal name *Genauini*.

*Chara lingua da la mamma*  
*Cara lingua mammae*

*Tü sonor rumantsch ladin*  
*Tu sonora romana [lingua] latina*

*Tü favella dutscha lamma*  
*Tu fabula dulcis [et] mitis*

*O co t'am eu sainza fin*  
*O quomodo te amo ego sine fine*

*In teis suns cur eir' in chüna*  
*In tuis sonibus cum eram cinis*

*M'ha la mamma charezzà*  
*Me mamma mulcebat*

*E chanzuns da l'Engiadina*  
*Et cantus engadinae*

*In l'uraglia m'ha chantà*  
*In aurem mihi cantavit*

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#### NOTES

<sup>1</sup> Today there exist three American doctoral theses on the subject: Mildred Elizabeth Maxfield, *Studies in Modern Romansh Poetry in the Engadine with special Consideration of Zaccaria Pallioppi, Gian Fadri Caderas and Peider Lansel*, Cambridge, Massachusetts, 1938; Uriel Weinreich, *Research Problems in Bilingualism, with Special Reference to Switzerland*, New York, 1951; Henri Robert Billigmeier, *Aspects of the Cultural History of the Romansh People of Switzerland, 1350-1950*, Stanford, 1951. Unfortunately none of these has been published in book form. Peider Lansel's *The Rhaeto-Romans* has been translated into English by M. Elizabeth Maxfield, Chur 1937.

<sup>2</sup> Cf. Horace, Odes IV, 14.18

(See page 272)

# The Obituary Epigrams of Martial<sup>1</sup>

THERE ARE SOME TWENTY-FIVE obituary epigrams in Martial's corpus of 1561 poems.<sup>2</sup> If one includes all the pieces pertaining to death the total is considerably increased. To these Pliny's<sup>3</sup> familiar appraisal of Martial *par excellence* applies. Though wit is less appropriate in them than pathos<sup>4</sup> it is present here, but, as one would expect, well within bounds. A sufficiency of *fel* is assuredly to be found in his satirical epigrams on the blameworthy dead. However, in the majority of his obituary pieces Martial qualifies for Pliny's *candor*. The term may mean 'sincerity', 'purity', 'kindness of heart', or 'good nature',<sup>5</sup> and any one of these meanings is easily evidenced in Martial. The vein of sentiment discernible in him is particularly noticeable in his attitude to the dead, his genius for friendship, and his love of nature.<sup>6</sup> Quite a few of Martial's obituary pieces combine the first two of these elements; there are some in which all three are present. Several sympathetic critics of Martial have noticed Martial's love of children,<sup>7</sup> and, in general, he is genuinely grieved at the passing of the young with all their beauty and promise.

Martial's thoughts on death are the commonplaces found in Latin lyrics, in the literature of consolations, in the inscriptions, and in the anthologies, both Greek and Latin. No doubt his wide acquaintance with these sources was due to the literary education which his foolish parents, as he calls them, gave him.<sup>8</sup> The piling up of literary parallels, as has been done by some editors,<sup>9</sup> will not however deprive Martial of all claims to originality.<sup>10</sup> With him originality consists largely of a novel combination of established ideas. Indeed with the *poetae docti* it was *de rigueur* to do this, and Martial, being one of these, was merely carrying on a traditional practice.<sup>11</sup> For him Graeco-Roman mythology was an open book

from which to cull. This is not to say with Aelius Spartianus that Martial is our Vergil; only a person who cherished equally the *Amores* of Ovid and the culinary *Recipes* of Caelius Apicius could be guilty of such a judgment.<sup>12</sup> On the other hand the devastating indictments of Martial<sup>13</sup> by his adverse critics overlook the fact that he is in a Graeco-Roman succession. This is particularly true of his significant sepulchral pieces. In these if anywhere Martial is entitled to the appellation of "noble Martial" bestowed on him by the English laureate, John Skelton.<sup>14</sup>

It remains to illustrate some of these general statements by citations from Martial. Home-made versions reflecting the *ipsissima verba* of the poet seem to be most serviceable. May their readers not feel prompted to hurl at their author the ejaculation of Robert Burns on reading Elphinston's wretched translations of Martial: "O thou whom poetry abhors! / Whom prose has turned out of doors! / Heard'st thou that groan? Proceed no further; / 'Twas laurel'd Martial roaring murder!"<sup>15</sup>

Quite a few of Martial's obituary pieces may be quickly passed by for the reason that they, for the most part, are conventional. The friendship of the centurions Fabricius and Aquinus, rival officers who now are reunited in Elysium, was for Martial more significant than their military records (1.93). Another centurion Varus, who died in Egypt, will be immortal in Martial's verse,<sup>16</sup> unless indeed the Nile has power to withhold this comfort too (10.26). To the epigram on Fuscus, a prefect of the praetorians, who fell in Dacia, there is added Roman imperiousness: "The Dacian bears our mighty yoke upon his neck subdued, / And Fuscus' shade victorious holds the subjugated wood." (6.76). The death of Antistius Rufus in Cappadocia derives a solace from the affection of Nigrina his widow: Martial makes the

point that she seemed twice bereaved. (9.30). The passing of Saloninus, buried in Spain, is softened by the thought that he still lives in the part<sup>17</sup> which he preferred: in his friend Priscus (6.18). Camonius Rufus, who succumbed in Cappadocia, is asked to accept *in absentia* the tribute of his poet-friend: "Receive with his sad tears thy friend's brief lay, / And deem these incense from him far away." (6.85). The epigram on Etruscus, "that ancient hoar / Who both his lord's<sup>18</sup> moods with no meekness bore," proceeds on usual lines: there is a tribute to his character, he was buried by his duteous offspring by the side of his wife, he had reached high old age, with his wife he now dwells in Elysium. Martial ends with the observation that his son's grief for him might suggest that he had died prematurely (7.40). Similar to this is the epigram on the parents of Rabirius, Domitian's architect who, Martial asserts elsewhere (7.56), earned for himself immortality for his skill and for his services to his master: they lived together for sixty years, their deaths were gentle, they were burnt on the same pyre: their son must not lament them as if they had died untimely (10.71).

An obituary piece on an unnamed noble lady of Tarentum (10.63) teems with conventional ideas uttered, as usual, by the departed: "Albeit tiny is this sepulchre<sup>19</sup> / On which you read these lines, o traveller, / Yet will it not in fame be vanquished by / The Pyramids or Mausoleum." are her opening words. She had lived long enough to see the Secular Games twice; Juno had given her five sons and five daughters<sup>20</sup> who all sealed her eyes; her wedded glory was that her chastity had known only one consort.<sup>21</sup> The type is well described by Nicholas Grimald in his lines *Upon the Tomb of A.W.* which begin thus: "Myrrour of matrones, flower of spouslike loue, / Of fayr brood fruitfuller nersse, poor peoples stay..." (*Tottel's Miscellany*, p. 113).

Occasionally Martial deviates into side issues. In the epigram to Silius

Italicus on the death of his son Severus (9.86) he says nothing of the lad, but lauds the sire's literary attainments. In a rather involved manner he proceeds to have Apollo console Calliope for her loss, by pointing out that the Tarpeian Thunderer (i.e. Jupiter) and the Palatine Thunderer (i.e. Domitian) had also been bereaved.<sup>22</sup> The conclusion is neatly put: when you see that the divinities are exposed to the harsh rule of destiny, you may acquit them of envy.

Sometimes Martial introduces his mythological material somewhat awkwardly. An instance of this is the epigram to Sempronia (12.52) who had lost her husband. Before proceeding far the reader comes here upon the rape of Helen and other items. In this excursus is imbedded the comforting thought about Rufus that "His very ashes with affection blaze / For thee, Sempronia . . ." <sup>23</sup> Less felicitous is the final thought of the poem: Sempronia's seizure will endear her to Proserpine in Elysium.

On the other hand mythology is very happily introduced into Martial's epigram on the hunting-hound Lydia (11.69):

Within the amphitheatre  
The trainers gave me nurture; there  
Instruction also they gave me:  
A huntress I was taught to be.  
Amid the woodlands I was wild.  
But I within the house was mild,  
Lydia called, most loyal to  
My lord and master Dexter who  
Would not have had instead of me  
The famed hound of Erigone,<sup>24</sup>  
Nor yet the one from Dictæ's land  
Which Cephalus attended, and,  
Translated with him, dwells upon  
The constellation of the Dawn.<sup>25</sup>  
Me carried off not life's brief day,  
Nor bore me useless eld away:  
To have such ending was the doom  
Of house-hound of Dulichium.<sup>26</sup>  
I was with lightning-thrust undone  
By foaming boar: such monstrous one  
Thy boar was, Calydon,<sup>27</sup> or thine,  
O Erymanthus. . . .<sup>28</sup>

Lydia's comfort is that she could not have died more nobly. It is strange that



this delightful "toy-consolation" is not included in a well-known doctoral dissertation<sup>29</sup> where those of Catullus, Ovid and Statius are adduced and Martial's obituary poems receive due notice.

Rarely do legalistic matters find their way into Martial's obituary pieces. Of the two poems on Antulla (1.114;116) the latter, the more significant one, brings out the consolation that her parents will be buried in the same plot, for it belongs everlastingly to the dead — an obvious reference to the legal formula: *Hoc monumentum sive sepulchrum heredem non sequitur*.<sup>30</sup>

In his epigram on the actor Latinus the poet has him speak of himself much in the same way as Ben Jonson spoke of Shakespeare: *Th' applause, delight, the wonder of our stage*. He defends his morals, albeit an actor, and easily passes on to praise the Emperor Domitian as *censor morum* (9.28). No such extraneous matter mars the epigram on Paris, the accomplished actor of mimes from Alexandria, whom Domitian murdered:

Whoso the Way Flaminian fare,  
Traveller, this famed sepulchre  
Pass you not by. Here Rome's delight,  
The witticisms of Egypt's wight,  
Art, grace, and play and pleasure lief,  
The glory of Rome's stage, and grief,  
All Venuses and Cupids room  
Have found, interred in Paris' tomb.  
(11.13)

On the popular charioteer Scorpus Martial wrote two epigrams.<sup>31</sup> In the one he makes the point that Scorpus, in the race of life as in the races of the Circus, was swift to reach his goal with his swart-hued steeds (10.50). In the other, Martial is more brief but equally pointed. Lachesis, counting his victories — according to an inscription<sup>32</sup> they were 2048, though Scorpus was only twenty-seven — concluded that he was old and so cut his thread. Nike in the Anthology<sup>33</sup> similarly counted a man's victories, and the Parcae, according to Ben Jonson,<sup>34</sup> made the same mistake about S(alomon) P(any), 'one of the Companie of Reuells to Queene Elizabeth who died scarce thirteen': "And

did act (what now we mone,) / Old men so duely / As sooth the Parcae thought him one / He plai'd so truly." Martial's epigram runs thus:

I'm Scorpus, Rome, whom Circus'  
shouts acclaimed;  
Thy short-lived pet, thy plaudits I  
received.  
In my ninth triad Lachesis me claimed;  
My wreaths she counted and me old  
believed. (10.53)

Glaucias, the freedman of Melior, also receives two epigrams. The one pays tribute to his popularity, his purity and his youthfulness; he is buried by the Flaminian Way; may the passerby who weeps for him have no other cause for woe! (6.28). The other reasserts his endowments and declares that Melior manumitted him from pure affection;<sup>35</sup> it concludes with these lines: "The well-endowed of humankind obtain / A life-span short, and seldom old age gain. / Whate'er you cherish supplicate that such / You may not seek to cherish overmuch." (6.29). The old idea that the good die young is perhaps most familiar from Gloucester's aside, "*So wise so young they say do ne'er live long*."<sup>36</sup> The thought of the last two lines of Martial's epigram Ben Jonson borrowed for his lines on his son, who died at the age of seven: "For whose sake henceforth all his vows be such / As what he loues may never like too much."<sup>37</sup>

The epigram on Alcimus, a young slave, is genuinely elegiac, and has imbedded in it a vignette of natural beauty:

Alcimus, whom from thy lord snatched  
away  
In growing years, the Lavicana Way  
With light turf veils, receive no Parian  
stone  
Of nodding weight that will be over-  
thrown,  
Which labour vain bestows upon the  
dead.  
But yielding box-trees here receive in-  
stead;  
Receive thou too the dusky palm-tree's  
shade,  
And meadow green, by my tears dewy  
made.

Dear lad, memorials of my grief I give;  
For thee this honour evermore will live.  
When Lachesis has spun my last years

I

Ordain my ashes in like mode should  
lie. (1.88)

The epigram on Canace, a young slave girl, is also deeply affecting. She had died from a dreadful canker of the mouth: Martial makes the point that her lips had to be impaired lest her sweet utterance might win the Fates to mercy:

Canace of Aeolis lies buried in this  
tomb,

The lass's seventh winter was her last  
one: sore woe!

Yet wait awhile, o stranger, before thou  
weep'st her doom:

One may not here complain of how  
quickly life must go.

Sadder than death was death's mode:  
upon her dear mouth sate

Disease foul; her fair features de-  
spoiled its wastage dire:

Her very lips so loving its cruel canker  
ate,

So came she sorely blemished to her  
sad fun'ral pyre.

Ah, if her end was fated to come with  
flight so fleet,

Its means should have been better;  
The passage of her breath

The Lord of Doom sealed swiftly for  
fear her voice so sweet

Might move to ruth the Maidens who  
reign o'er life and death. (11.91)

Martial composed three poems on his own little slave-girl Erotion ("Sweetie"). In one of these, each successive owner of her grave-plot is requested to pay annual dues to her departed spirit (10.61). Leigh Hunt's paraphrase of it is well known.<sup>38</sup> Perhaps a closer version is the following:

Here rests Erotion's hastened phantom  
whom

After winter-season sixth with crime of  
doom

Destroyed, Thou, whosoever thou wilt  
be

The master of my farm-plot after me,  
On her slight spirit yearly dues bestow,  
So be thy Lar forever safe, and so

Thy household too, and may this tear-  
ful stone

Upon thy little farmstead stand alone.

In another epigram (5.37) Martial rather extravagantly dwells on the charms of Erotion and her endearing ways. This piece has been regarded as 'a clear case of the maxim *trop de zèle*'.<sup>39</sup> The overstatement may however be a true measure of his affection and of his sorrow. The poet however proceeds to mar the genuine pathos of the piece and the simple sincerity of his grief by adding a sarcasm at the expense of a certain Paetus, who has urged Martial not to mourn for a mere slave-girl. Paetus, though he has recently lost a wife who was *nota*, *superba*, *nobilis* and *locuples*, has the fortitude to live on! The remaining poem on Erotion is regarded by many as Martial's masterpiece (5.34). It has been said of it that it is 'inspired with a simple and homely tenderness for which there are few parallels in the annals of literature'.<sup>40</sup>

O mother mine Flaccilla and Fronto  
too my sire!

To you I trust this maiden, my  
darling precious,

Lest little Sweetie shudder before the  
shades so dire,

And dread the monstrous mouths of  
the Hound of Tartarus.

Just six times she'd have finished the  
winter-season's cold,

But six days still were lacking when  
Death to claim her came.

O may she sport and play now anigh  
her guardians old,

And mid her lovely babbling, o may  
she lisp my name!

Her bones so young and tender en-  
shroud in pliant sod,

And, Earth, lie lightly on her: on thee  
she softly trod.

Robert Louis Stevenson in a translation of this poem compares her lightness with that of thistle-burr.<sup>41</sup> This is not necessarily a Scottish touch: it is also classical; for example, Theocritus<sup>42</sup> speaks of Galatea as being 'wanton as the dry thistle-down'.



Martial has several variations on the inscriptional motif of the last line, viz. *Sit Tibi Terra Levis* (STTL). One is the *jeu d'esprit* on the tiny farmer: "This farmer, heirs, do not inter: / So slight is he / That for him any earth what-e'er / Would heavy be." (11.14). In his epigram on Pantagathus ("All-good"), the slave-barber, Martial makes the point that the lightness of the earth over him cannot match the lightness of his craftsman's hand (6.52). Usually barbers are made the butts of sarcasms.<sup>43</sup> Another lad Eutyclus ("Lucy"), despite his name, drowned prematurely at Baiae: the earth and water are asked to be gentle to him (6.68). There is a similar request in the Greek Anthology: "O earth crowded with tombs and sea that washes the shore, do thou lie light on the boy, and do thou be hushed for his sake."<sup>44</sup>

English literature abounds in instances of this literary device. Lovers of Herrick will readily recall his concluding lines of a concise epitaph on a little lass: "Give her strewings: but not stir / The earth that lightly covers her."<sup>45</sup> Scotchmen remember with relish the epigram of Robert Burns on a Noted Coxcomb: "Light lay the earth on Billy's breast, His chicken heart so tender. / But build a castle on his head, / His skull will prop it under."<sup>46</sup> Dean Swift affords however the best parallel, in his epitaph on the architect Vanbrugh: "Lie heavy on him, earth, for he / Laid many a heavy load on thee."<sup>47</sup> A very recent instance of the *Sit Tibi Terra Levis* idea appeared in the Reader's Digest (November, 1951, p. 96); there under *In Memoriam* is cited the verse on the tombstone of Mark Twain's daughter, Olivia Susan Clemens, of which the third line is: "Green sod above, lie light, lie light."<sup>48</sup>

Some of Martial's epigrams pertaining to death appear to be written primarily to score rhetorical points. The one on the lad killed by an icicle concludes with the paradoxical question: "And does not death bide lurking

everywhere / If, water, you become a murderer?" (4.18). In another piece a lad is poisoned by a viper in the mouth of a brazen bear: the wicked deed was due to the fact that the wild bear was not real! (3.19). An epigram on the words *Chloe fecit* (quoted from a tombstone) affords Martial excellent material for a *double entendre*:

On the tombs of criminal Choe's seven husbands she  
Has inscribed that she had done it:  
what could clearer be? (9.15)

Another notorious dame was Galla who has now met more than her match:

After the death of seven husbands you then, Galla, wed  
Picentinus: you wish, Galla, to pursue your dead. (9.78)

Phileros ("Philanderer") apparently had earned much wealth by burying his wives:

Wives seven you, Philanderer, have buried / Within this field. /  
Philanderer, to none else does the farmstead / More profit yield. (10.43)

One way of getting rid of such marriage-monsters is to match them:

Fabius lays out wives for funeral;  
Crestilla puts her husbands on their pall.  
Both of them brandish o'er the marriage-bed  
The baneful torch-flame of a fury dread.  
Match thou the victors, Venus: there'll remain  
One end: one fun'ral will bear out the twain. (8.43)

Yet lustful hags like Plotia keep their propensity even in death.<sup>49</sup>

The most extensive satirical piece of Martial is addressed to Philaenis, a beldame mentioned several times elsewhere by him.<sup>50</sup> One is tempted to quote this epigram in full:

When thou hadst passed the eld of Nestor through,  
So swiftly wert thou snatched, Philaenis, to  
Dis's infernal waters? Thou didst not  
As yet in life's span emulate the lot

Of the Euboean Sibyl: by months three  
 The prophetess in age exceeded thee.  
 Ah, what a tongue is mute! Not slaves  
     for sale  
 On thousand platforms could o'er it  
     prevail.  
 Nor crowd that loves Serapis Egypt-  
     born,  
 Nor teaching-master's curly troop at  
     morn;  
 Nor does the Strymon's bank, when it  
     around  
 The flocks of birds have gathered, so  
     resound.  
 What bel dame will with rhomb Thes-  
     salian now  
 To draw the moon from heaven down  
     know how?  
 What go-between will now like her know  
     well  
 How bride-beds, these and those, for  
     bribes to sell?  
*May earth on thee lie lightly, and be  
     thine  
 A covering of sand both thin and fine,  
 In order that the dogs enabled be  
 To dig thy buried bones up easily.*

(9.29)

Unfortunately for Martial the thought of the last four lines is by no means original; it is easily paralleled from the Greek Anthology: "May the dust lie lightly on thee under the earth, wretched Nearchus, so that the dogs may easily drag thee out."<sup>51</sup> Philaenis appears also in this anthology, for instance where she protests that she was not lascivious with men or a public woman.<sup>52</sup>

Martial occasionally writes on famous cases of suicide. That of Porcia, the wife of Brutus, who met her death as a true daughter of Cato Uticensis, is quite melodramatic. Better known is the shorter epigram on two other Stoics, Arria and Paetus:

When Arria chaste her Paetus gave the  
     sword  
 Which she herself from out her vitals  
     drew,  
 'My wound pains not, if truth be,' was  
     her word,  
 'What pains me is the wound you'll  
     deal to you.' (1.13)

Elsewhere Martial has other things to say about suicide. How foolish was

Fannius who in flight dealt himself death in fear of dying! (2.80). More seriously he says in another place: "In adversity it is easy to despise life; the truly brave man is one who can endure to be miserable." (11.56). In Martial's epigram rendered familiar to Englishmen by the translation of it by the Earl of Surrey,<sup>53</sup> the poet lists the elements of a happy life; his last entry is: 'life's final day / To fear not, yet not for it pray.' (10.47).

In general Martial in his obituary poetry deals with the harrowing experience of death and bereavement in the spirit of a gentle humanist. Although Martial constantly uses the conventional phraseology about death and dying,<sup>54</sup> he leaves the reader puzzled about his real beliefs. Of his own narrow escape from death Martial speaks conventionally yet convincingly;<sup>55</sup> he hopes that when he comes to die, he may seek the grove of the Elysian Lass (= Persephone), while he is still not disabled by protracted old age, yet having accomplished the three stages of life.<sup>56</sup> Return of the dead to the world of the living is mentioned by Martial only hypothetically.<sup>57</sup> As to the possibility of communication between the departed and the living, Martial is equally inconclusive: for instance he merely expresses the wish that the spirit of the dead poet Lucan may be aware of the affection of his widow Polla.<sup>58</sup> This is precisely the vagueness one finds in the Greek anthology<sup>59</sup> as well as throughout the Latin lyric poets.<sup>60</sup> Whether the dead retain their old likes and dislikes is also indefinite: although, according to Martial, Romulus still eats *rapa* (turnips) in heaven, this may be a mere echo of Seneca.<sup>61</sup> Another echo of Seneca is seen in Martial's short epigram on the fate of the Pompeys.<sup>62</sup> In general, death by violence is an anathema to the gentle poet; in speaking of Lucan's enforced death at the hands of Nero, his heart cries out against the crime: "Cruel Nero, made

/ More hateful by no other phantom-shade, / Alas this cursèd crime at any rate / Thou should'st not have had pow'r to perpetrate."<sup>63</sup> Again, when Martial beheld the destruction that had been perpetrated by the gods in the eruption of Vesuvius he concludes that "The gods might wish that they had not / Had pow'r to do what here they've wrought."<sup>64</sup> Nowhere in Martial is the dominance of death put more potently than in the concise epigram on "Crumb", the little dining-room that looked out on the Mausoleum of the Caesars.<sup>65</sup> Despite the many clichés and commonplace ideas in this portion of Martial's poetry, his obituary pieces are assuredly exempt from the disdainful query of Lord Byron: "And then what proper person can be partial / To all those nauseous epigrams of Martial?"<sup>66</sup>

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#### NOTES

<sup>1</sup> A paper delivered at the Fifth University of Kentucky Foreign Language Conference, Lexington, Kentucky, April 24-26, 1952.

<sup>2</sup> In a total of 1561 Epigrams in the *Spectacula* and fourteen other books, 1235 are in elegiac metre, 238 in hendecasyllabic and 77 in choliambic or scazon. There are besides a few in hexameter and iambic verse (J. Wight Duff: *A Literary History of Rome in the Silver Age*. London: T. Fisher Unwin, 1927, 512.)

<sup>3</sup> Pliny: Ep. 3.21. *Erat homo ingeniosus acutus acer, et qui plurimum in scribendo et salis habere et fellis nec candoris minus.*

<sup>4</sup> Cf. M. S. Dimsdale: *Latin Literature*. New York: Appleton and Co., 1915, 475 (re obituary pieces of Martial) "point is less appropriate than pathos."

<sup>5</sup> So Merrill took it (*Selected Letters of the Younger Pliny*, edited by E. T. Merrill. London: Macmillan and Co., 1912, 294.)

<sup>6</sup> J. Wight Duff: op. cit. 524. Butler remarks that "Martial has a genuine love for the country" (H. E. Butler: *Post Augustan Poetry*. Oxford: Clarendon Press, 1909, 268). In Martial's obituary verse this comes to view in little nature touches in regard to the surroundings of the sepulchre.

<sup>7</sup> Cf. Butler (op. cit. 274) "Martial was a child-lover before he was a man of letters;" H. J. Rose: (*A Handbook of Latin Literature*. London: Methuen and Co., 1936, 403.) "It was one of his amiable qualities that he loved children;" Kirby Flower Smith (*Martial the Epigrammatist and Other Essays*. Baltimore: John Hopkins Press, 1920, 18.) "Another attractive side of his nature was his evident devotion to children."

<sup>8</sup> Martial 9.75. *At me litterulas stulti docuere parentes.*

<sup>9</sup> Conspicuously by L. Friedländer. M. Valerii Martialis *Epigrammaton Libri*. 2 vols. Leipzig: Verlag von S. Hirzel, 1886.

<sup>10</sup> Butler (op. cit. 260 fn. 2) points out that a very large proportion of the parallel passages

cited by Friedländer is unjust to Martial, "No poet could be original judged by such a test."

<sup>11</sup> J. F. D'Alton: *Roman Literary Theory and Criticism*. London: Longmans, Green & Co., 1931, 431-432.

<sup>12</sup> Aelius Spartianus: Aelius ch. 5, sec. 9. *Atque idem Apicii Caelii\* relata idem Ovidii libros amorum in lecto semper habuisse, idem Martialis epigrammaton poetam Vergilius sum dixisse.*

\**Recipes of Caelius Apicius de re coquinaria libri X*

<sup>13</sup> E.g. by J. W. MacKail: *Latin Literature*. London: John Murray, 1913, 194-195.

<sup>14</sup> Cf. *The Complete Poems of John Skelton* edited by Philip Henderson. London: J. M. Dent and Sons, 1931, 136: *Poems Against Garnesche*: "If thou wert acquainted with all / The famous poets satirical / As Persius and Juvenal / Horace and noble Martial."

<sup>15</sup> *The Poetical Works of Robert Burns*. London: George Bell and Sons, 1878 (The Aldine Edition) Vol. II, 194-195. *Epigram on Elphinstone's (sic) Translation of Martial's Epigrams.*

<sup>16</sup> Martial, like many another poet, believed his verse bestowed immortality. Of this his friend Pliny was doubtful (Ep. 3.21).

<sup>17</sup> Cf. *Greek Anthology* XII.52; Callim. Ep. 42 (echoed in the expression *aufugit mi animus of Q. Catulus*); Arist., Eth. Nic. 9.4.5; Hor. Od. 1.3.8; 2.7.5.

<sup>18</sup> *Utrumque deum*, i.e. Domitian whether ad-verse or auspicious. For an analogous use cf. Cat. 31.3. *Uterque Neptunus.*

<sup>19</sup> Cf. *Greek Anthology* 7.2B; 18: 390.

<sup>20</sup> Cf. *Ibid.* 7.331 (woman boasts that she was the wife of one husband and left him and ten children alive); *ibid.* 7.224 (woman boasts that she had 29 children and left them all living).

<sup>21</sup> Martial's epigram closes with an indecent expression (10.63.8). For the woman's boast cf. *Greek Anthology* 7.324 (woman declares that she loosed her zone for one man alone.)

<sup>22</sup> In 4.3, Martial fancies that the deified son of Domitian is throwing down from the skies snowballs at his father sitting at the games.

<sup>23</sup> This is as lovely as the line in Propertius (4.11.74) *haec cura et cineri spirat iusta meo* (which inspired Gray in the *Elegy*: *E'en in our ashes live their wonted fires*).

<sup>24</sup> Maera, the hound of Icarus, placed with his daughter Erigone in the heavens as the constellation Virgo; cf. Ovid *Fasti* 5.723.

<sup>25</sup> Laelaps ("Hurricane") a hound of Crete given to Procris by Diana and by Procris to Cephalus. When Cephalus was elevated to the heavens by Aurora the loyal dog went with him; cf. Ovid *Met.* 3.211: 7.771.

<sup>26</sup> *Dulichio cani* i.e. Argus the hound of Odysseus (Hom. Od. 17.291-293, 326-327).

<sup>27</sup> The Calydonian boar (sus) sent by the enraged Diana, and killed by Meleager; cf. Ovid. *Met.* 8.324.

<sup>28</sup> The Erymanthian boar was slain by Hercules; cf. Ovid *Her.* 9.87; *Met.* 5.608.

<sup>29</sup> Sister Mary Edmond Ferns: *The Latin Consolatio as a Literary Type*. St. Louis, Missouri, 1941. The "toy-consolations" are dealt with in ch. XI.

<sup>30</sup> Cf. Wilmanns *Ex. Inscr.* 2.693 sq.

<sup>31</sup> In 10.74 Martial satirizes his quick acquisition of wealth, and in the preface to 11.1 refers to the gossip about him and another charioteer Incitatus (who is mentioned also in 10.76).

<sup>32</sup> *CTL* 6.2, 10048.

<sup>33</sup> *Cf. Anthol. Palat.* 3.18.

<sup>34</sup> Cf. Ben Jonson: *Epigrammes CXX* (Ben Jonson edited by C. H. Herford, Percy and Evelyn Simpson, [Oxford Clarendon Press, 1947] VIII, 77).

<sup>35</sup> Martial himself manumitted his beloved secretary Demetrius, before he died, (1.101). His friend Pliny similarly set free his dying slaves (Ep. 8.16).

<sup>36</sup> Shakespeare: *King Richard III* 3.1.79.  
<sup>37</sup> Ben Jonson: *Epigrammes XLV On My First Sonne* (op. cit. 41).

<sup>38</sup> *The Poetical Works of Leigh Hunt* edited by H. S. Milford, Oxford: Oxford University Press, 1923, 427.

<sup>39</sup> E. E. Sikes: *Roman Poetry*. London: Methuen and Co., 1923, 40.

<sup>40</sup> Kirby Flower Smith: op. cit. 18; H. E. Butler: op. cit. 272. "And Martial's epitaphs and epicedia at their best have in their slight way an almost unique charm."

<sup>41</sup> Robert Louis Stevenson: *Collected Poems* edited by Janet Adam Smith. London: Rupert Hart-Davis, 1950, 292: "That swam light-footed as the thistle-burr / On thee: O mother earth, be light on her." In another version Stevenson however discards the simile: "That ran so lightly footed in her mirth / Upon thy breast — lie lightly, mother earth." (Robert Louis Stevenson *Poems*. II, 176 in the Tusitala edition. London: Heinemann, XXIII, 1923).

<sup>42</sup> Theocritus, *Id.* 6, 15-16; cf. Hom. *Od.* 5, 328 ff. E.g. in 11.84 Martial satirizes at length the barber Antiochus; more briefly in 7.83 he pokes fun at the slowness of barber Eutrapelus ("Nimble"): "While barber Nimble made the round amowing / Old Wolfman's face, / And smoothed his cheeks, another beard came growing / To take its place."

<sup>43</sup> *Greek Anthology* 7.628; cf. *ibid.* 372, 461, 476, 583; Kaibel: *Epigrams*. 329, 538, 551, 569; *Anthol. Lat.* (Meyer) 1349.

<sup>44</sup> Robert Herrick: *Upon a Child That Dyed* (For Herrick's indebtedness to Martial see Paul Nixon's article, CP V (1910) 189-202. Cf. Ben Jonson (op. cit. 33-34). *Epigrammes XXII On My First Daughter*. (The girl was less than six years old).

<sup>45</sup> Robert Burns. op. cit. II 144, *Epigram on a Noted Coxcomb*.

<sup>47</sup> Cf. *Greek Anthology* 7.401. "Earth, who hast espoused an evil bridegroom, rest not light or thinly scattered on the ashes of the deformed being." Cf. *ibid.* 7.204 (on a partridge killed by a cat).

<sup>48</sup> "Warm summer sun, shine kindly here;  
 Warm southern wind, blow softly here;  
 Green sod above, lie light, lie light;  
 Good night, dear heart, good night,  
 good night."

<sup>49</sup> 10.67. 6-7: *Hoc tandem sita prurit in sepulcro Calvo Plotia cum Melanthione*.

<sup>50</sup> 2.33; 4.65; 7.67; 70; 9.62; 10.22; 12.22.

<sup>51</sup> *Greek Anthology*, 11.226.

<sup>52</sup> *Ibid.* 7.345.

<sup>53</sup> The translation of Lord Henry Howard, Earl of Surrey, appeared in the first edition of *Tottel's Miscellany*, June 5, 1657. Martial was recognized a good deal earlier: Sir Thomas Elyot in his first edition of *The Boke named the Governour*, I, 128 in 1531 said of Martial: "Martialis whiche for his dissolute wrytynge is mooste seldom radde of men of moche gravite hath not withstandynge many commendable sentences and right wise counsells. . . ." (and he gives a version of Martial 12.34.8-11.) Indeed the poet as recognized by Puttenham, in 1589, "was cheife of this skill among the Latines." (*The Arte of English Poesie*, Arber Reprint, 1895, 68.)

<sup>54</sup> E.g. 1.36.5; 11.84.1; 4.60.4; 12.90.4; 1.78.3; 10.23.4. Metaphorically in 5.25.6 'not to want to approach the Stygian pools' = "to desire immortality"; similarly Truth has been recovered from the Stygian abode by Trajan because he has resuscitated her (10.72.10); and Martial's readers save him from the sluggish waves of ungrateful Lethe, i.e. from oblivion (10.2.7-8). His book also, if criticized by his friends Secundus and Severus, will not behold the restless rock of tired Sisyphus, i.e. will not be condemned to oblivion (5.80.10-11). Whether Martial really believed in the traditional punishments in Hades is uncertain: when he is imprecating against a slanderous poet punish-

ments after death, he finishes with the expression *delasset omnes fabulas poetarum* (10.5.17) i.e. may he exhaust all the fabled torments the poets mention.

<sup>55</sup> 6.58.3-4. "O how nearly had I been carried off from you to the waters of the Styx and seen the dusky clouds of the Elysian plain."

<sup>56</sup> 10.24.8-10.

<sup>57</sup> 4.16.5; 10.101.1; 11.5.5-6; 13-14.

<sup>58</sup> 7.23.3-4. *Tu, Polla, maritum / Saepe colas et se sentiat ille coli.*

<sup>59</sup> *Greek Anthology* 7.23.6: If indeed any delight touches the dead."

<sup>60</sup> Cf. *Intimations of Immortality in the Major Lyric and Elegiac Poets of Rome*, a paper by the present writer, *Proceedings of the Royal Society of Canada*, XLIV (1950) 61-93.

<sup>61</sup> 13.16; cf. Seneca: *Apocoloc.* 9.5. *cum sit e republica esse aliquem qui cum Romulo possit ferventia rapa vorare.*

<sup>62</sup> 5.74. In 1.61 Martial says that the plane-tree at Cordova was not planted by Pompeian hands: it was planted by Caesar. Martial's regret at the murder of Pompey is however genuine though it was less heinous than that of Cicero (3.66; 5.69): Pothinus slew Pompey to serve his master, Antony had Cicero murdered to serve his private viciousness, but all in vain for "All men will commence / To speak for Tully's muted eloquence."

<sup>63</sup> 7.21.

<sup>64</sup> 4.44.

<sup>65</sup> 2.59. Crumb I am called: a little dining-room

Thou know'st: from me thou look'st on

Caesar's Tomb.

Crush couches, drink, don roses,

ointed be:

'Remember death' the god himself

bids thee.

<sup>66</sup> Lord Byron: *Don Juan*; Canto 1, 43, 7-8. Byron employed the same rhyme in his single translation from Martial (1.1).

## BRITAIN (from page 259)

### NOTES

<sup>1</sup> Tac. *Agr.* 13. 2. Number in the text refer to the *Agricola* unless otherwise indicated; Sleeman ed., Cambridge, 1939.

<sup>2</sup> See Sleeman on *Agr.* 10, 1 *scriptoribus*

<sup>3</sup> B.G. 5. 13. Number later in the text refer to BG; Greenough ed., Boston, 1898.

<sup>4</sup> Tac. *Agr.* *Intro.* xi: 2nd ed., Oxford, 1922.

<sup>5</sup> *Encyc. Brit.*, Vol. 16, 906

<sup>6</sup> In *Camb. Anc. Hist.*, Vol. 9, Chap. 13, 639

<sup>7</sup> On Tac. *Agr.* 11. 3 in *universum* . . .

*astimanti*

<sup>8</sup> *Caesar's Campaigns in Britain* (Oxford, 1931) on 4, 24, p. 59

<sup>9</sup> H. J. Edwards, tr. *Caes. BG* (Loeb), Appendix B.

<sup>10</sup> In C. A. H. Vol. 9, Chap. 13, 543f.

<sup>11</sup> In C. A. H. Vol. 11, 151

## ROMANSH (from page 264)

<sup>3</sup> According to the language chart by I. Pütt and R. Hotzenköcherle, Romansh can be divided into three main groups: a) *Sursilvan* in the Rhine valley, b) *Grischun* Central in the Rhine, Julia and Albul valleys, c) *Ladin* in the Engadine (Im valley). None of these three idioms is a dialect of any of the others. They represent variants of one and the same tongue and each is a written language. Of the three *ladin* is the closest to Latin.

<sup>4</sup> Cf. Reto R. Bezzola, *Sprachschöpfung, Spracherhaltung und Sprachgestaltung in Graubünden*. Separatausdruck aus dem Bündnerischen Monatsblatt, 1946.

# Trinoctio Abesse

THE LAW OF THE TWELVE TABLES is the earliest codification of Roman Law known to us.<sup>1</sup> It embodied and has preserved for us the work of two commissions of Decemvirs appointed for putting the laws in written form; and the Code was ratified, as far as we can judge, by the Centuriate Assembly about the middle of the fifth century B.C.<sup>2</sup> We may therefore assume that the various rules which are found in the surviving fragments of the Twelve Tables reflect the habits and thoughts of that early time.<sup>3</sup>

In this paper I shall discuss only one of the provisions of the Code. The regulation to which *trinoctio abesse*

("three-night-absence") refers is found in the fourth section of the Sixth Tablet of the Twelve Tables, according to Schoell's reconstruction of the Law.<sup>4</sup> It is part of a loosely connected group of rules affecting verbal agreements and the acquisition of property.<sup>5</sup> The immediate source of the fragment, which, it will be noticed at once, does not give the exact words of the Code, is Sections 110 and 111 of Book One of the *Institutes* of Gaius. It belongs there to a passage which deals with "power of hand" (*manus*), i.e., the control which husbands were allowed to exercise over the lives and property of their wives.<sup>6</sup>

## AQUILA *Liber Animalium*

NUMMI NOSTRI imagine aquilae signantur sed pauci aquilam feram viderunt. In hortis publicis saepe videri potest. Ibi in cavea sordida tristis sedet, velut rex in exilio. O miseram captivam!

Democratica non est. Libertatem amat sed modo suam. Alias aves contemnit, etiam alias aquilas atque pullos suos, si fama vera est. In rupibus excelsis vel summis in arboribus ex ramulis nidum turpem aedificat. Ibi, si Plinio, auctori optimo, credimus, usque ad meridiem sedet. Post meridiem cibum petit.

Volando delectatur. Optime volat. Nonnumquam in caelo altissimo paene immobilis videtur, aere surgente vecta. Avis Iovis erat. Numquam fulmine interficitur.

Ex caelo in terra serpentem videre potest, quod acies oculorum mirabilis est. Interdum dicitur in saxum de caelo testudinem demittere ut rumpatur. Quondam aquila in caput calvum poetae clarissimi, ut fama est, testudinem demisit. O miserum poetam!

NORMAN W. DEWITT

Stamps," in *Topical Time* (IV. 6.144-9), by Dr. Emory E. Cochran of Fort Hamilton H. S., Brooklyn, was kindly brought to my attention by Franklin Krauss. The paper could not include Latin mottoes on stamps or representations to any extent of Classical architecture. But historical and especially mythological figures are plentifully depicted here. From a study of the stamps a good idea could be gained of the spread of Classical cultural influences to countries, including the United States, unknown to the ancients.

The most valuable feature of this article is a listing of some 300 numbers with indications of the figures and designs presented; in fact far more than that number of issues are involved. Classicists as well as philatelists will find this list (which it would be improper to reproduce here) of no small interest and possible use for classes. *Topical Time* is published by the *American Topical Association*, 3306 N. 50th St., Milwaukee 16; and a copy of the number indicated may be had for 35c, annual subscription being \$2.

As would be expected, Hermes and Pegasus are popular, especially for air-mail stamps, Daedalus-Icarus also appearing. But there is a considerable mythological spread. Greece and Italy are naturally first and second in point of numbers. There are interesting combinations of ancient and modern themes. Surely teachers will find this article and list very attractive supplementary material. [Ed.]

STAMPS and the CLASSICS  
AN ARTICLE, "Classical Themes on



The translation of the two sections runs as follows: "In former times there were three ways in which women became subject to power of hand: prescriptive acquisition,<sup>7</sup> the spelt-ceremony (*confarreatio*),<sup>8</sup> and marriage by purchase (*coemptio*).<sup>9</sup> By prescriptive acquisition a woman who remained in uninterrupted cohabitation for a whole year became subject to power of hand. For since she was prescriptively acquired by a kind of annual possession, she passed over into her husband's family and took on the status of a daughter. Hence, a provision of the Twelve Tables ruled that, if any woman did not wish thus to become subject to her husband's power of hand, she should each year be absent for three nights and thus break the prescriptive acquisition of each year. This whole regulation, however, has been partly abolished by statutes and has partly disappeared through simple disuse."<sup>10</sup>

The provision is also referred to in three other extant sources, none of which, however, is so specific as the passage in Gaius. Aulus Gellius, who lived at approximately the same time as Gaius, i.e., in the second century after Christ, alludes to the rule in the following words: "I have also read that Quintus Mucius,<sup>11</sup> the jurisconsult, used to say that a woman had not broken the usucaption,<sup>12</sup> who, after beginning on the Kalends of January to live with a man with matrimonial intention, left to break the usucaption on the third day before the following Kalends of January. For the three nights during which, in accordance with the Twelve Tables, she had to be absent from her husband in order to break the usucaption, could not be completed, since the final six hours of the third night belonged to the next year which began on the Kalends."<sup>13</sup> This passage is quoted, with very slight differences, by Macrobius, who lived about 400 A.D., in his *Saturnalia*; and his version need not be given here.<sup>14</sup> Finally, a comment made by Servius, of the fourth century after Christ, in his commentary

on Vergil's *Georgics* will complete the list of sources. "For there are three ways," he writes, "in which marriages were made among the ancients: by prescriptive acquisition, if, for example, a woman had lived with a man for one year, even *sine legibus* . . ."<sup>15</sup>

I think we may trust the testimony of Gaius, and of the other sources also, about the fact of prescriptive acquisition. We may also be reasonably sure that this way of establishing power of hand was mentioned in the Twelve Tables, and reasonably sure that Gaius has correctly described the procedure by which a woman, although living in virtual wedlock, could avoid falling under her husband's power of hand. The Twelve Tables long formed an integral part of Roman legal education.<sup>16</sup> It is therefore intrinsically probable that Roman lawyers as a class would preserve genuine records or, in their default,<sup>17</sup> sound traditions about the contents of the famous Code.<sup>18</sup> Furthermore, Gaius was himself the author of a special commentary on the Twelve Tables.<sup>19</sup> We may accordingly assume that he had precise information about their provisions.

If then we accept Gaius' evidence, we can reconstruct with fair confidence some aspects of Roman marriage customs as they obtained in the middle of the fifth century B.C. *Confarreatio* and *coemptio* need not detain us here: automatically, without any time element, they established power of hand.<sup>20</sup> Cohabitation with matrimonial intention was a simpler and more primitive affair.<sup>21</sup> It was a natural response to a natural need.<sup>22</sup> It was probably much older than the date of the Twelve Tables. The Decemvirs gave it legal recognition and sanction. They also defined the point at which it gave rise to power of hand. Henceforth, cohabitation, if continued without interruption for a whole year, produced the same result as the more complicated spelt-ceremony and marriage by purchase immediately established. A wife, in other words, passed into her husband's pow-

er of hand and in his family acquired the status of *filia familias*.<sup>23</sup>

The Decemvirs, by indicating the precise point at which prescriptive acquisition would arise and have effect, suggested also a way for avoiding this title to power of hand. It was indeed a simple matter. All that a woman had to do, who was cohabiting with a man with matrimonial intention, was to absent herself for three nights in each year from her partner's domicile.<sup>24</sup> The nights presumably had to be consecutive.<sup>25</sup> I think, moreover, that we should interpret "nights" strictly and literally: i.e. the intervening days should not be included in the legal period.<sup>26</sup> This detail may seem to us excessively legalistic. It can, I believe, be simply explained. The physical act of possession, by which the man established his prescriptive title to power of hand, would normally take place at night, especially in the agrarian society which obtained at Rome in the fifth century B.C. By the specific use of the term "three-night-period" the Decemvirs specifically provided for the normal and the symbolic, and yet did not disrupt the daily life of the country-side.

THE FACTUAL RESULT of the device is clear enough. As Corbett has observed, the woman's absence was simply "a means whereby [she might] cling to her original family, if she so [desired]."<sup>27</sup> Equally clear and equally simple is the legal analogy involved. As marriage by purchase and *coemptio fiduciaria*<sup>28</sup> show, the Roman lawyers tended to view women as property. Accordingly, in order to provide a legal basis for a desired, and perhaps desirable, reform, they developed still further this idea of women as property. I think we can trace the way in which their minds worked. Of the two great classes of things, *res mobiles* and *res immobiles*, into which all forms of property fall women (we may imagine the lawyers as saying perhaps with a smile) are indubitably in the former group.<sup>29</sup> Then, observing this classifi-

cation, they could apply the relevant rule, which was also embodied in the Twelve Tables.<sup>30</sup> By this rule all movables could be prescriptively acquired by one year's unbroken and uncontested possession. The application of the principle to women is simple enough. A woman willing to pass into power or hand without the spelt-ceremony of marriage by purchase completed a full year of voluntary and uninterrupted cohabitation. If however, a woman wished to be married and to remain so and yet, for any reason, wished also to avoid power of hand, she could achieve her desire by absenting herself legally each year for the prescribed period from her husband's house. Thus she broke the prescriptive acquisition; her juristic personality was not submerged in that of her husband.

This legal scheme may at first seem amusing, but it nevertheless had considerable social and historical importance. It did not exist *in uacuo*. It must be explained in terms of its environment. We are thus led to inquire into the motives of the men who included the procedure in the Twelve Tables. At the very least, as we have noted, it throws some light on the processes of the Roman legal mind. What is more important, the whole regulation, like the very agitation which led to the codification of the Twelve Tables, seems to have a plebeian quality about it.<sup>31</sup> It is particularly appropriate to the relatively informal type of marriage to which, and to which alone, it was applied. For cohabitation with matrimonial intent stands in contrast to the religious formalism, probably patrician in origin, of the *confarreatio*, and to the symbolic drama, also probably patrician in nature, of *coemptio*. The principle involved in "three-night-absence" probably originated in the institutions of the law *ius gentium*, which even at this early date modified the strict formalism of the *ius civile* and ultimately influenced so profoundly the whole character of Roman jurisprudence.<sup>32</sup>

In any case, the principle and its application played a significant part in the development of Roman marriage.<sup>33</sup> We can trace the following historical sequence. At first, when the Roman state was securely established under patrician control, there was probably no marriage which did not also involve power of hand.<sup>34</sup> Gradually, a second stage was reached by the time of the Twelve Tables. Then, as commonly later on in the third and second centuries before Christ, two forms of marriage existed side by side, formal marriage with power of hand and, through the rule of "three-night-absence," "free" marriage without it.<sup>35</sup> A further phase, in which power of hand was rapidly becoming obsolete, was reached, we have seen, in the days of Gaius.<sup>36</sup> Finally, by the time of Justinian, the institution is so far forgotten that it is not even mentioned in his legislation.<sup>37</sup>

The Roman man or woman of the fifth century B.C. could not of course grasp the long-range importance of "three-night-absence." For them its significance was more pressing and personal. In particular it affected the man and conduct of the individual Roman wife who chose to avail herself of its privileges. For the power to be absent, when recognized and protected by public law, was in itself a step forward in personal freedom. The right gave sanction, in a married woman, to will and moral choice. Thus it contributed to her intrinsic dignity. Moreover, as has been suggested above, it gave her a separate and more independent personality.<sup>38</sup>

This change of status will probably seem to us a marked moral improvement. Whether it appeared equally vital and desirable in itself to the Romans of the fifth century B.C., we cannot determine. We have no evidence. Probably, in their eyes, its true importance lay elsewhere. It probably lay rather in some practical legal effect. Surely, marriage without power of hand, i.e., "free" marriage, introduced

differences which were more concrete and legally more significant than a simple, and perhaps only a slight, enlargement of a wife's freedom of conduct. There was, to begin with, a difference in the names held respectively by the wife who was in power of hand and the wife who was not. The former, in strict nomenclature, was a *mater familias*, while the latter was simply an *uxor*.<sup>39</sup> Furthermore, what was more important, a wife not in power of hand was not subject to her husband's or, if he was still under *patria potestas*, to his father's power over life and death.<sup>40</sup> Quite the contrary, she remained under the authority of her own father or grandfather.<sup>41</sup> If her father and grandfather were dead, she fell under the *tutela* of her *agnati*, i.e., male kinsmen of her father's family.<sup>42</sup> Children born to a wife in "free" marriage were perhaps subject to the paternal authority of her father.<sup>43</sup>

In this continued relationship to her own father's family, a wife may well have retained a definite advantage. For the possibility of her father's intervention enabled her, at least in theory, to secure or, if need be, to exact considerate treatment from her husband.<sup>44</sup> At all times her father was there as a shield of defense, although his protection probably did not avail much, if his daughter was proved guilty of infidelity.<sup>45</sup> If a marriage went from bad to worse, the wife in a "free" union could be divorced more easily and simply.<sup>46</sup> Although her father's consent, if he was living, was necessary to validate his daughter's marriage, no matter what form she preferred, an independent woman (*sui iuris*), i.e., a woman whose father was dead, could probably enter into a "free" marriage, even if her *tutor* refused his consent.<sup>47</sup>

THESE DIFFERENCES seem to us changes for the good. To our eyes, they mark an advance in moral stature and responsibility. I suggest, however, that they are merely the accidental by-products of another objective; and it is this

objective which I wish to search for and suggest in the rest of this paper. Any conclusion must be extremely tentative. We cannot cite any contemporary evidence. Any plausibility the argument may have will depend on the assumption that some social institutions in Republican Rome may have persisted virtually unchanged for long periods of time.

What was perhaps the most striking and critical distinction between the wife in power of hand and the wife who was not concerned property rights.<sup>48</sup> If a wife was in power of hand, all of her property, whether already hers at the time of marriage or subsequently acquired by her, was absorbed into her husband's, or his father's, estate.<sup>49</sup> On the other hand, a wife in a "free" marriage probably retained control of her own property, whenever and however acquired, except in so far as she was bound by *patria potestas* or *tutela*.<sup>50</sup> It is tempting, although of course most conjectural, to carry back to this early period of the Twelve Tables and connect with the legal results of "three-night-absence" a further extension of her rights. A woman who was *sui iuris*, and probably therefore a wife not in power of hand, could dispose of her property through *coemptio fiduciaria*, provided of course that her *tutores* approved, and in this way achieve the power of testamentary disposition.<sup>51</sup>

Such control over property is clearly important. A wife possessing such power was placed in some degree on an equality with her husband, although she was still under the guardianship of her agnates even after her father's death. Still, her increase in personal liberty was not an unqualified blessing. It had its counter-weight, and the counter-weight was heavy. Even though she might be sole heiress, she still remained in her father's family and her property was still regarded as belonging primarily to her father's estate. Thus an heiress, and to a less degree every daughter not in power of hand, was closely involved in maintaining the col-

lective property of her father.<sup>52</sup> Accordingly, as a part of this general obligation, an heiress who inherited the collective property (*uniuersitas*) of her father's estate and who never became subject to power of hand had to carry out herself one serious and onerous duty. She was bound, specifically, to maintain the *sacra* owed to her father.

I suggest that in the fact of these rites and the almost certain possibility that a father, if his daughter was his heiress and not subject to power of hand, could enforce their performance, we have one of the chief reasons for the rule of "three-night-absence." Most of the evidence which bears on the rites comes from a period much later than that of the Twelve Tables. We are perhaps entitled to assume that the importance of the rites was a persistent social fact. It is clear from the surviving fragments of the Tenth of the Twelve Tables, that the Romans of the fifth century B.C. were much concerned with the cult of the dead.<sup>53</sup> I think we may believe that the Romans then regarded the rites as more important than they did later on at the time from which our evidence has survived and in which cynicism and the decline in religious feeling had begun seriously to weaken the natural impulse to honor the dead.

Two passages, one of them quite lengthy, will show how burdensome the Romans found the duty of maintaining the rites. In his speech for Murena, which he delivered during his consulship in 63 B.C., Cicero states that "by the cleverness of lawyers old men were found for the purpose of carrying out *coemptiones* intended to extinguish the rites."<sup>54</sup> The same practice may be referred to by the phrase *senex coemptionalis* ("an old man used in making the purchase"), which occurs once in Plautus<sup>55</sup> and once in Cicero.<sup>56</sup>

For our purposes it will be instructive to reconstruct, according to Savigny, the process to which Cicero's reasonably explicit statement refers.<sup>57</sup> We are to assume at the beginning

that a woman not in power of hand possessed the collective property (*uniuersitas*) of her father's estate as his sole heiress. We are to assume also that she wished to avoid the trouble and cost of maintaining the rites. The step which she would take certainly was legal evasion and it certainly involved considerable loss of personal dignity. She would marry herself to some old man who was almost at death's door. The marriage was a kind of *coemptio fiduciaria*.<sup>58</sup> It therefore of necessity involved power of hand. Thus the old man acquired, through his power of hand, the *uniuersitas* which his wife had inherited from her father and which had imposed on her the duty of the rites. Hence he acquired the solemn obligation of performing the rites. For his wife, if we may use such a term for a purely legalistic relationship, by surrendering the collective property, was thereby released from her personal obligation.

Then the second step in the legal drama began. First the old man would release his wife from his power of hand. He brought about this result by remanicipation and manumission.<sup>59</sup> When this step had been carried out, he then returned to the woman, in effect no longer his wife, all of her estate but did so piece by piece. In this way the estate was ultimately returned to the woman. In this way also the woman was freed from any legal obligation to maintain the rites, since, as has already been mentioned, that duty was binding only on the one who possessed the *uniuersitas* of the estate. When, as probably happened soon, the old man died, the obligation vanished altogether.

Such legal ingenuity clearly shows that the burdens of the rites were really great. It suggests to us also the probability that *patres familias* might take strong measures to ensure their performance. As far as we can tell, they actually had, at the period of the Twelve Tables, the necessary power. At least they had plenary power of testamentary disposition and the right

to appoint *tutores*.<sup>60</sup> And the guardians, being *agnati*, were presumably men whom they could trust.

The second passage which illustrates the weight of the burden is found in the Second Book of Cicero's *De Legibus*.<sup>61</sup> It is not an isolated reference without adequate context. It is a part of the treatment of religious law, which is the theme of Book II. It presents us with a fairly detailed and lengthy account of some of the legal fictions and devices by which Romans, of course of Cicero's day, tried to avoid or evade the duties of the rites.

In the Code itself Cicero lays down the following rule to guide all the citizens in his ideal state: PRIVATE RITES SHALL REMAIN FOREVER.<sup>62</sup> Later on in Book II, he discusses the several provisions of the Code; and tries, as he himself puts it, "no matter what branch of law our argument will lead me to, [to] take up, to the best of my ability, the Roman civil law which belongs to that very branch."<sup>63</sup> In due order, Cicero comes to the provision quoted above.<sup>64</sup> The problem of the rites he regards as fundamental for an understanding of religious matters falling within the scope of the civil law.<sup>65</sup> For, in his words, "this single principle should hold, namely, that the rites should always be preserved and henceforth handed down in families and, as I have laid down in my Code, should be perpetual."<sup>66</sup>

The passage which I shall quote next follows immediately on the clause which I have just cited. It shows beyond any doubt how important the performance of the rites appeared to enlightened legal opinion of the first century B.C. "In the course of interpretation," Cicero comments, "the authority of the pontiffs has set up our present rules, to the end that the death of a father of a household might not cause the rites to be forgotten, but that the rites might be attached to those persons who should inherit his property at his death. This one principle being laid down, enough for an understanding of correct procedure, numberless



rules arise and fill the treatises of the jurisconsults. They are asked, for example, what persons are bound to the performance of the rites. As regards heirs, the obligation is wholly fair, since no person can more closely take the place of the departed. Next comes the man who, through a gift made at the time of death or by the will of the deceased, obtains (as a legacy) as much as all the heirs. That rule also is proper, since it is in accord with the principle which I have stated.<sup>67</sup> In the third place, should there be no heir, that man is obligated who, through actual possession, has prescriptively acquired the greatest part of the goods which belonged to the deceased at the time of his death. In the fourth place is the man who, should there be no one who has inherited any property from the deceased, recovers the largest share of his estate held by creditors. Last is the position of the man who owed money to the deceased and has not repaid the debt to anyone, for he is regarded just as if he had received that sum of money (from the estate).<sup>68</sup>

"Such were the rules which we learned from Scaevola.<sup>68</sup> They were not so put down by the ancients, who indeed expressed their views in the following terms: in three ways a man is bound to perform the rites, namely, by being direct heir, or by receiving the greater part of the estate, or, if most of the property was given to him in a legacy, by receiving any share thereof."<sup>69</sup>

It is quite clear that such regulations would give rise to many complications, especially when heirs or legatees really desired to escape the burden of the rites. Cicero, a few lines further on, mentions some of these methods of evasion. They will indicate, by implication, how difficult it might be for a father or the guardians whom he appointed to get the rites performed. After repeating the rule that "the rites go with the property," Cicero continues as follows: "Moreover, the Scaevolae<sup>70</sup> add this further point,

that, when an estate is divided,<sup>71</sup> if no deduction<sup>72</sup> has been put down in writing in the will, and if the legatees of their own accord have taken less than is bequeathed to all the heirs, then the legatees should not be bound to the performance of the rites."<sup>73</sup>

The provision may perhaps need interpretation. It seems to have been the rule that the testator who wished to bequeath half of his estate in the form of a legacy should put in his will a statement that some nominal deduction was to be made from this half. Then the legatee would be exempted from maintaining the rites. Moreover, even when such a deduction was not expressly made in writing, the legatee could still escape the burden, if he voluntarily accepted slightly less than the half legally willed to him.

One final illustration must suffice to show how troublesome the rites were considered and how ingenious were the ways by which the Romans of Cicero's time tried to evade them. "From these rules," Cicero continues in the next section of the *Laws*, "many small questions arise. Cannot any intelligent person easily solve them by his own efforts, merely by referring to the basic rule? For example, if anyone had accepted less, in order not to be bound to maintain the rites, and later on one of his heirs had collected for himself the sum which had been refused by the person whose heir he was; and if, moreover, this sum and the sum collected earlier, amounted to not less than had been left to all the heirs, then it would be clear that he who collected the aforesaid sum was alone bound, without any co-heirs, to the performance of the rites.<sup>74</sup> Furthermore, the authorities actually rule that he to whom more has been given in the form of a legacy than he can accept without also accepting the obligation of the rites may, through a sale *per aes et libram*,<sup>75</sup> release the heirs appointed by will from paying the legacy, since by that step the property was released from its status as a legacy, just as if

the aforesaid sum had not been willed as a legacy at all."<sup>76</sup>

Again we need perhaps some clarification. I think the following reconstruction of the legal drama will show how the Roman lawyers achieved their purpose. We should assume that A leaves B a legacy large enough to carry with it the duty of the rites. We should also assume that C is A's heir. In order to escape the obligation, B makes the following arrangement with C. C pays B the amount of the legacy, but in strict law he does not pay it out of the estate. He pays it rather out of his own pocket. He feels it safe to do so, since B sells him, by bronze and balance, his own right to the legacy. It follows then that, strictly speaking, B gets nothing from A's estate and is thereby freed from any obligation to maintain the rites.<sup>77</sup>

THE SENTENCES which I have quoted from Cicero's *Laws* prove the importance of the rites, at least in the first century B.C. It is true, of course, that the Twelve Tables were passed nearly four hundred years earlier, and that nothing expressly connects Cicero's rules with the provisions of the ancient Code. We are entitled, I think, to assume that the burden of the rites was a persistent fact in Roman private life from very early times. At least it was so when Plautus lived. In two passages he makes characters speak most warmly of an inheritance to which no rites are attached.<sup>78</sup> It is not unlikely that, the earlier we went, the greater we should find the importance of the cult of the dead.

Furthermore, I believe we can trace with some probability a connection between these rules and the motives and legal consequences of "three-night-absence." Naturally the problem chiefly concerns the case where a man's property was likely to descend to a sole heiress. In such circumstances the performance of the rites was something which her father would have vividly before his mind. Moreover, as we have seen, he was in a position, at least in

theory, to compel their performance, provided his daughter was never in power of hand.<sup>79</sup> *Patria potestas*, the tendency of agnatic guardianship, and the free right of testamentary disposition all joined in controlling his daughter's conduct. They could, I suggest, keep her from entering into power of hand, a state where she could no longer be constrained to her father's will. For her in truth there was no easy way of escape. For the Twelve Tables also laid down that women, no matter how mature, with the exception of the Vestals, should always be under guardianship by agnates, because, as Gaius bluntly puts it, "of the levity of their dispositions."<sup>80</sup>

Accordingly, I suggest that we see in the rule for "three-night-absence" an institution broadly designed to guard the interests of the wife's father and specifically intended to insure the performance of the rites. Such protection would be especially needed in the case of a sole heiress, since, if her property through power of hand was once merged in her husband's estate, there would be no simple way of getting the rites carried out. If a daughter who was sole heiress remained single or, taking advantage of the quaint provision of the Twelve Tables, married and broke the prescriptive acquisition of each year, the whole matter was much easier, at least for her father. He could perhaps the more easily persuade her to comply with his wishes, since a wife not in power of hand really gained thereby in personal dignity and juristic stature.

In questions like the present topic, certainty is of course quite impossible. The events are too old, and the evidence far too scanty. All we can do is to put on the attested facts an interpretation which is plausible and historically not impossible. In any event, the journey into the distant past has its interest. We can note, for example, the narrow and immediate significance of the rule. We can find amusement in observing the mental processes affecting the decisions of Roman lawyers.

We can distinguish stages, however involuntary in their achievement, in the improvement of woman's status in marriage. Above all, we may ponder anew the truth of Edward Gibbon's famous dictum that "the laws of a nation form the most instructive portion of its history."<sup>1</sup>

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## NOTES

<sup>1</sup> The present paper, in a less extended form, was first read to the Connecticut College Men's Club. I am grateful to the members for the opportunity of presenting the paper, and for the suggestions which were made in the following discussion. Professor B. B. Wessel also read the paper and made comments which I have taken to heart. I wish here to express my gratitude in general to Connecticut College for enabling me, if one may still quote Edward Gibbon, "amidst a beautiful landscape, in a life of leisure and independence, and among a people of easy and elegant manners," to teach the literature of Greece and Rome to well-trained undergraduates. My profound thanks are especially due to Dr. Edith C. Jones, Curator of the Classical Collection at the University of Illinois, through whose cooperation I have had the use of necessary books.

I have constantly relied on the following scholarly works: Percy Ellwood Corbett, *The Roman Law of Marriage*, Oxford, 1920; Adolf au Mesnil, *M. Tullii Cicerois De Legibus Libri Tres*, Leipzig, 1879; Paul Frédéric Girard, *Manuel élémentaire de Droit Romain*, 7th ed., Paris, 1924; Clinton Walker Keyes, *Cicero De Re Publica De Legibus*, London and New York, 1928; Joachim Marquardt, *Das Privatleben der Römer*, Erster Theil, Zweite Auflage, Leipzig, 1886; W. D. Pearnman, *M. Tullii Cicerois De Legibus Libri Tres*, Cambridge, 1881; Edward Poste, *Gai Institutionum*, 4th ed. revised and enlarged by E. A. Whittuck, an invaluable work, Oxford, 1904; Francis de Zulueta, *The Institutes of Gaius*, Oxford, Part I, 1951; Part II, 1953; James J. Robinson, *Selections from the Public and Private Law of the Romans*, an exceedingly useful little book, New York, 1905; Rudolph Schoell, *Legis Duodecim Tabularum Reliquiae*, the palmary edition, Leipzig, 1866; Rudolph Sohm, *Institutes of Roman Law*, translated by J. C. Ledlie, 3rd ed., Oxford, 1907; Johannes Vahlenus, *M. Tullii Cicerois De Legibus Libri*, 2nd ed., one of the greatest of classical editions, Berlin, 1883. It is the basis of all references in this paper.

<sup>2</sup> For the purpose of the present paper, the date which we assign to the decemviral legislation is not perhaps of primary importance. I have here accepted the general dating followed by Hugh Last in the *Cambridge Ancient History*, 7 (1928), 463. For a different view see Ettore Pais, *Histoire Romaine*, I, Paris, 1926, 109-120. The chief ancient sources for the legislation will be found in Cicero, *De Re Publica*, 2, 36, 37, 61-63; Livy, 3, 31-39; Diodorus, 12, 26; Dionysius Hal. Ant. Rom. 10, 55; 11, 1.

<sup>3</sup> Tenney Frank, *An Economic Survey of Ancient Rome*, 1, *Rome and Italy of the Republic*, Baltimore, 1933, 19.

<sup>4</sup> *Trinoctio abesse* is a nominal phrase formed out of the verbal expression in Gaius, *Inst.* 1, 111, *trinoctio abesse*.

<sup>5</sup> Gaius, *Inst.* 1, 108-115b. Throughout this paper I shall translate *manus* by "power of hand."

<sup>6</sup> *Manus* is an institution peculiar to Roman law, and relates wholly to women, whereas *potestas*,

usually modified by *patria*, applies both to men and women. Gaius, 1, 108-109.

<sup>7</sup> I understand *usus* as the equivalent of *usucapio*, which is thus defined by Modestinus (*Digest.* 41, 3, 3): "Usucaption is the acquisition of ownership by possession continuing through a period defined by law." In this paper I have regularly translated *usus* by "prescriptive acquisition." See in general Robinson, *op. cit.* 184-188.

<sup>8</sup> For the "spelt-ceremony" see Gaius, 1, 112: "By a spelt cake women became subject to power of hand, through the medium of a kind of offering made to Jupiter Farreus. In the ceremony a cake made of far is used, because of which the rite is called *confarreatio*. Moreover, in connection with performing this rite many things are done and carried out, in traditional phraseology and in the presence of ten witnesses. This ritual is still employed even in our days, since the greater flamines, that is, those associated with the worship of Jupiter, Mars, and Quirinus, and also the *reges sacrorum*, can only be chosen from persons born of *confarreate* wedlock; and even these persons cannot hold the priesthood unless they have been married by the "spelt-ceremony." See in general Girard, *op. cit.* 158-159.

<sup>9</sup> For marriage by purchase see Gaius, 1, 113-114: "In marriage by purchase . . . women become subject to power of hand in consequence of a "taking-by-hand," i.e., a kind of imaginary sale. For the man into whose power of hand the woman comes buys her in the presence of at least five witnesses, besides a balance holder, above the age of puberty. Moreover, a woman can convey herself through purchase not only to her husband but also to a stranger. In other words, coemption is said to have been carried out either for the purpose of marriage or for the purpose of achieving some pledged result (*fiduciae causa*). Now a woman who carries out coemption with her own husband, in order to occupy the status of daughter in his house, is said to have performed coemption with matrimonial intent. On the other hand, a woman who enters into coemption, either with her own husband or with a stranger, for any other purpose, for example, for avoiding a guardianship, is said to have carried out coemption for some pledged result." See in general Poste, *op. cit.*, 70-74; Girard, *op. cit.*, 159.

<sup>10</sup> The antiquarian tone of Gaius' treatise arises in part from the fact that he was writing in the second century after Christ, i.e., nearly six hundred years after the date of the Twelve Tables.

<sup>11</sup> Quintus Mucius Scaevola, consul in 95 B.C., was a famous orator and jurist and a teacher of Cicero.

<sup>12</sup> If the words *esse usurpatam* are correct, the verb seems here to be deponent. For the legal meaning of *usurpo(r)* see *Digest.* 41, 3, 2, where we read "*usurpatio est usucapionis interruptio*," i.e., "usurpation is a break in prescriptive acquisition."

<sup>13</sup> Aulus Gellius, *Noctes Atticae*, 3, 2, 12-13.

<sup>14</sup> Macrobius, *Saturnalia*, 1, 3, 9.

<sup>15</sup> Servius, *Ad Georgica*, 1, 31.

<sup>16</sup> Cicero, *De Legibus*, 1, 5, 17; 2, 4, 9; 23, 59.

<sup>17</sup> I refer here to the tradition that the original text of the Twelve Tables was destroyed when the Gauls sacked Rome in ca. 390 B.C. See, e.g., Livy, 6, 1, 9-10. Cicero (*De Legibus*, 2, 7, 18) seems to imply that he was familiar with the actual text of the Twelve Tables.

<sup>18</sup> Schoell, *op. cit.*, 22-39, presents the list of the ancient legal scholars who devoted themselves to the interpretation of the Twelve Tables. Probably the best known of these men is Sextus Aelius Papius. See Pomponius in the *Digest*, 1, 2, 2 § 38.

<sup>19</sup> Heineccius, *Historia Juris Civilis Romani et Germanici*, 1764, 1, 2, § 32, pp. 31-32. Schoell (*op. cit.*, 39) does not highly value Gaius' work on the Twelve Tables, and does not believe that

he had before him the original text.

<sup>20</sup> Gaius, 1, 112-113.

<sup>21</sup> The words "with matrimonial intention" are intended to convey the force of *matrimonii causa* in Gellius, loc. cit. Gellius' phrase implies the same thing as the *consensus* (Digest, 35, 1, 15) or the *maritalis affectio* (op. cit., 39, 5, 31) of the lawyers, who distinguish, by this state of mind and purpose, marriage from concubinage or *contubernium*.

<sup>22</sup> Such a union resembled the common-law marriage of early days in the United States, when clergymen and justices were hard to find. Then, if a woman was introduced by a man as his wife for a certain period of time, she was regarded as his wife in law and in fact.

<sup>23</sup> Gaius, 1, 115b.

<sup>24</sup> Gaius, 1, 111.

<sup>25</sup> Such at least in the implication of the doctrine which Gellius attributes to Quintus Mucius Scaevola, Gellius, 5, 2, 13.

<sup>26</sup> The use of the rare word *trinoctium* in Gellius, 10, 15, 14, and in Ammianus Marcellinus, 14, 2, 13, seems to support this conclusion.

<sup>27</sup> Corbett, op. cit., 89.

<sup>28</sup> See above, note 9. As Gaius (1, 115) comments, fiduciary coemption may be used to avoid a particular person as guardian. "If any woman wishes to escape from the guardians she has and to get another, she sells herself, with their approval, to someone else. Then she is freed by mancipation from the purchaser to whomever she wishes. He in turn manumits her by the use of *vindicta*, and she thereupon has as guardian the man by whom she was manumitted. . . ." By a similar process (Gaius, 1, 115a), a woman acquires the power to will her property.

<sup>29</sup> Gaius, 2, 42; 44; 54; Justinian, *Inst.* 2, 6, *Int.*

<sup>30</sup> Gaius, loc. cit.; Schoell, op. cit., 134 (Twelve Tables, VI, 3, derived from Cicero, *Topica*, 4, 23).

<sup>31</sup> It does not involve any of the elements of ceremony or expense which we associate with the more elaborate forms of Roman marriage.

<sup>32</sup> Corbett, op. cit., 105 does not think that there is any influence of *ius gentium*.

<sup>33</sup> Sohm, op. cit., 448-456; Girard, op. cit., 155-178.

<sup>34</sup> Poste, op. cit., 69.

<sup>35</sup> Corbett, op. cit., 90-91.

<sup>36</sup> Gaius, 1, 111.

<sup>37</sup> Poste, loc. cit.

<sup>38</sup> P. 275.

<sup>39</sup> Cicero, *Topica*, 3, 14; Aulus Gellius, 18, 6, 7-9.

<sup>40</sup> Livy, 39, 18, 5-6; Tacitus, *Annales*, 2, 50; 13, 32, 3-4; Gaius, 1, 118; Gellius, 10, 23, 5; Poste, op. cit., 41.

<sup>41</sup> Corbett, op. cit., 122; Gaius, 1, 136; Poste, op. cit., 630, note on 1, 136.

<sup>42</sup> Gaius, 1, 157; Girard, op. cit., 175. For *tutela* see in general Gaius, 1, 144; 165-166; 190; Ulpian, *Reg.* 11, 1; Cicero, *Pro Murena*, 12, 27. For *agnates* see Gaius, 1, 156; 3, 10.

<sup>43</sup> Girard (op. cit., 177) holds that children would belong to their father's family. See also de Zulueti, op. cit., II, 37.

<sup>44</sup> Corbett, loc. cit.

<sup>45</sup> Tacitus, *Annales*, 2, 50, 2; Furneaux on 13, 32, 4.

<sup>46</sup> Girard, op. cit., 169-170; Festus, *diffarreatio*.

<sup>47</sup> Corbett, op. cit., 60-61.

<sup>48</sup> Girard, op. cit., 157, note 1, leads to this inference.

<sup>49</sup> Gaius, 2, 90; 98; 4, 80; Sohm, op. cit., 462-463. That women could inherit at the time of the Twelve Tables is made clear by Paulus, *Sententiae*, 4, 8, 20.

<sup>50</sup> An inference drawn from Gaius, 2, 98. Apparently, in the time of Cato the Censor, when he urged the passage of the Lex Voconia, some women at least controlled their own property. See Gellius, 17, 6, 1. For *patria potestas* see Gaius, 1, 55; Poste, op. cit., 39-44. For *tutela* see note 42, above.

<sup>51</sup> Note 28, above. See Robinson, op. cit., 264; Poste, op. cit., 72.

<sup>52</sup> Poste, op. cit., 178: "The hereditas, in fact, was the legal personality of the deceased, and so the successor to it, called heres, had exactly the same position in respect of the entire family property as the deceased pater-familias."

<sup>53</sup> All but one of these fragments are derived primarily from Cicero's *De Legibus*. See also Gaius, 2, 55.

<sup>54</sup> Cicero, *Pro Murena*, 12, 27.

<sup>55</sup> Plautus, *Bacchides* (ed. Lindsay), 976.

<sup>56</sup> Cicero, *Ad Familiares*, 7, 29, 1.

<sup>57</sup> Savigny, *Verm. Schr.* 1, 190; Girard, op. cit., 169, takes a different view, but I do not think the difference is important in the present matter. See Poste, op. cit., 71-72.

<sup>58</sup> Note 28, above.

<sup>59</sup> Gaius, 1, 137.

<sup>60</sup> Schoell, op. cit., 127 (Twelve Tables, V, 3).

<sup>61</sup> In the following paragraphs I have used my own unpublished version of *De Legibus*.

<sup>62</sup> Cicero, *De Legibus*, 2, 9, 22.

<sup>63</sup> Op. cit., 2, 18, 46.

<sup>64</sup> I.e., the rule printed in capitals a few lines above.

<sup>65</sup> Op. cit., 2, 19, 47.

<sup>66</sup> *Ibid.*

<sup>67</sup> Above, p. 278.

<sup>68</sup> Note 11, above.

<sup>69</sup> Cicero, *De Legibus*, 2, 19, 48-49. On the last clause see Digest, 31, 1, 1, 2.

<sup>70</sup> I.e., Publius Mucius Scaevola, consul in 133 B.C., and Quintus Mucius Scaevola, his son, consul in 95 B.C.

<sup>71</sup> A reference to the technical action called *partitio*. It is a form of bequest in accordance with which a legatee is given, not a fixed sum of money or a fixed amount of property, but rather a certain percentage of the whole estate. Here it is assumed that the amount of the legacy was fifty per cent of the whole estate.

<sup>72</sup> According to Cicero (*De Legibus*, 2, 21, 53), we infer that the usual "deduction" was one hundred nummi.

<sup>73</sup> Cicero, *De Legibus*, 2, 20, 50.

<sup>74</sup> Turnèbe suggests the following illustration. A bequeaths 5/12 of his estate to B (his heir or heirs) and gives to C a legacy of 7/12. C relinquishes 3/12, in order to avoid the rites. Then C dies, leaving what he got from A equally divided between his two heirs. Thus each of C's heirs would get 4/24. One of these heirs, D, collects from B the 3/24, i.e., one half of the amount which his father, C, had relinquished. This sum when added to the 4/12 which his father had accepted amounts to more (11/24) than the 5/12 left originally to the heir or heirs. Then D, and D alone, has to bear the burden of the rites.

<sup>75</sup> Gaius, 1, 123.

<sup>76</sup> Cicero, *De Legibus*, 2, 20, 51.

<sup>77</sup> The reconstruction is suggested in Cicero, *De Legibus*, 2, 21, 53, where unfortunately a serious lacuna in the text occurs.

<sup>78</sup> Plautus, *Captivi*, 775; *Trimummus*, 484.

<sup>79</sup> Above, p. 277. There was, of course, another side to the question. We may well ask how young men and their fathers would feel about this quasi-independence of brides and wives. We have no specific evidence on the point. It is perhaps fair to make the following suggestion. If the weight of effective public opinion was sufficient to write the rule into the Twelve Tables, we may probably conclude that men in general would share and support the opinion. After all, fathers of sons might also have had daughters, who, by availing themselves of the "three-night-absence," would keep intact their fathers' property, even if they were not sole heiresses.

<sup>80</sup> Gaius, 1, 144.

<sup>81</sup> Edward Gibbon, *The Decline and Fall of the Roman Empire*, ed. Bury, IV, 471.

# THE REVIEW CUPBOARD

Edited by Grundy Steiner

Et summis admiratio  
veneratioque et  
inferioribus merita  
laus

From time to time Professor McCracken has reviewed books on patristic writers for this and other periodicals. It was almost inevitable, therefore, that he should be asked to prepare the *pariorum* review which follows. But it was not inevitable, human nature being what it is, that he should wade through all those books as expertly and write their evaluations as briefly as in fact he did. (And there may be more to his admirable brevity than meets the eye, for he obtained permission from this editor to assign one unrewarding work its proper place by omitting even so much as a reference to its existence.) Finally, if anyone doubts that herein is contained *multum in parvo*, let him note that the second item reported is the earnest volume of the *Corpus Christianorum*, a series intended to supplant, as the years go by, the Migne *Patrologiae*.

G.S.

## PATRISTICA ET CETERA

IN THE SECOND volume of his superb *Patrology* (Westminster, Md.: The Newman Press; Utrecht-Antwerp: Spectrum Publishers, 1953; xii+450, \$5.50), Johannes Quasten continues the great design projected by the first. If not in every way the equal of its predecessor, this volume is surely its superior. The many virtues previously noted by reviewers are here once more encountered: extensive bibliographies, inserted at frequent intervals, bring the literature down to the present; the copious extracts of the documents themselves, whetting the appetite, not only of the seminary student for whom the volume must have its greatest appeal, but also that of the more experienced reader; the full indexes which lay captive at a glance the treasures imbedded in the volume on every conceivable topic. The style is everywhere clear and vigorous, free from the pedantry which blights many a textbook of similar scope. This installment bears sub-title of "The Ante-Nicene Literature after Irenaeus" and thus includes, among a host of lesser figures, often represented only by the briefest of fragments, yet so treated as to make even them come alive, the truly great names of Clement of Alexandria, Origen, Minucius Felix, Hippolytus of Rome, Tertullian, Cyprian, Arnobius and Lactantius. Few books are as indispensable as this.

SECONDLY, we salute a project of quite a different character. The good monks of the Belgian Abbey of St. Pierre de Steenbrugge

have long been planning a new series, their *Corpus Christianorum*, designed to supplant, ultimately, no less a monument than Migne's *Patrologiae*! Materials to be included are to comprise, not only the patristic writings properly so called, but also conciliar, hagiographic, and liturgical texts, sepulchral inscriptions, diplomas, etc., that is, the complete remains of the first eight centuries of the Christian era. Not counting diplomas and inscriptions, the impressive total of 2,348 works, or fragments of works, are to be published either anew, and in better texts than hitherto, or for the first time. The editors have recently issued a "Clavis Patrum Latinorum" in which they designate that edition which they consider the best available for each work, list the manuscripts and whatever works, notes, or reviews which are important to the critical determination of the respective texts. While in the great *Corpus* they intend to reprint these preferred editions, they plan to revise each in the light of the manuscripts and critical material there indicated, so that in every case the new text will be an attempt at improvement, and when there is no satisfactory edition available, an entirely new text will be prepared.

The Latin series is to be printed first, and it is estimated that 175 volumes in royal octavo of from six to eight hundred pages will be needed, ten such volumes to be printed annually. The initial price is set at 500 Belgian francs the volume (bound copies at 600 Belgian francs), but there will be a ten per cent discount for subscribers to the whole series. Separate numbers will be available separately from the publishers, Editions Brepols, of Turnhout and Paris.

The initial offering is *Series Latina*, vol. i, *Tertulliani Opera*, Pars I: "Opera Catholica Adversus Marcionem" (1953; xxv+75, price of this number not stated). The introductory material on Tertullian includes an elaborate *stemma codicum*, a chart on the manuscripts, and three others on the *testimonia*. Then follows the *Ad Martyras*, edited by E. Dekkers (pp. 1-8), and the *Ad Nationes libri II*, edited by J. G. Ph. Borleffs (pp. 11-75). The reputation of these scholars and the care with which they have



edited these sections of the text augur well for the entire undertaking.

WE HAVE BEFORE US, next, three volumes in the well-known series "Ancient Christian Writers" (Westminster, Md.: Newman Press), which exhibit the same careful editing which has come to be expected from Fathers Quasten and Plumpe. The ninth volume of the series, Joseph M. Collier's translation of St. Augustine's works, "The Greatness of the Soul" (*De Quantitate Animae*) and his "The Teacher" (*De Magistro*), published in 1950 (vi+225, \$3.00), will prove, we think, of the greatest interest to the readers of this Journal. The tenth volume, Robert T. Meyer's translation of St. Athanasius' "Life of Saint Antony" (published in 1950; vi+155, \$2.50) will be of interest to those concerned with the history of the monastic movement. The thirteenth volume, William P. Le Saint's translation of three of Tertullian's treatises on marriage and remarriage (*Ad Uxorem, De Exhortatione Castitatis, and De Monogamia*), published in 1951 (viii+196, \$3.00), while from the pen of a great Latin master, are among his less appealing works.

BROTHER S. Dominic Ruegg's Catholic University dissertation (Patristic Studies No. 85, 1951, xvii+133, \$1.50) is a better than average performance for a new doctor. It is an edition, with text, translation, introduction, and commentary, of St. Augustine's minor work, the *De Utilitate Ieiunii*. This work was first printed by Amerbach at Basle in 1506 and has been reprinted seven times, last in 1870, but the present editor has been unsuccessful in locating any manuscript of the complete work, the only partial text being found in Vat. lat. 5758. Thus, Ruegg had to constitute his text on the basis of the printed editions. I am a bit surprised that he did not definitely establish the truth of his guess (p. 4, n. 11) that Ambrosianus II 62 may actually contain a complete text of the *De Utilitate Ieiunii*. It would seem not an impossible task to obtain a photograph of that manuscript.

THE LATEST volumes of the Loeb Classical Library mark a departure, yet a wise one, from the long established principle of providing an English version *en face* of a Greek (or Latin) text. In this case, however, Ralph Marcus has provided an English translation of Philo's *Quaestiones et Solutiones in Genesim et Exodum*, working, not from the original Greek, which is lost, but from the Armenian version. These two volumes (nos. 380 and 401 of the series,

published in 1953) thus contain as much translation as would probably have filled four ordinary Loeb volumes. The annotations are, however, far more than is customary in Loeb volumes, and frequently Marcus has endeavored to reconstruct the Greek words which the Armenian translator had before him. He also prints in the second volume two appendices: (a) Greek fragments of the *Quaestiones* (pp. 179-263), and (b) Additions in the Old Latin Version (pp. 267-275), but these are not turned into English. Thus, the two volumes provide a Supplement to the ten volumes of the Loeb Philo, of which the first nine have already appeared. As few scholars are competent in Armenian, this work is of the highest importance to students of Philo and of the Old Testament.

WE LIST BELOW several works of which we need not provide more extended comment:

*Consolation in Saint Augustine*, by Sister Mary Melchior Beyenka (Catholic University diss., Patristic Studies No. 83, 1950, xxiii+119, \$1.50) — treatment of the topic and the genre.

*Studies in the Political and Socio-Religious Terminology of the De Civitate Dei*, by R. T. Marshall (Catholic University diss., Patristic Studies No. 86, 1952, vii+96, \$1.25, lithoprinted).

*Studies on the Style of the De Vocatione Omnium Gentium Ascribed to Prosper of Aquitaine*, by Joseph J. Young (Catholic University diss., Patristic Studies No. 87, 1952, xxii+192, \$2.25 lithoprinted)—on the question of authorship the examination of the vocabulary proves inconclusive; the examination of the *clausulae* supports the attribution to Prosper.

G. E. McCracken

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#### THE DIRECT METHOD

Publishers are not above approach. The latest, apparently, is a sales appeal in Latin addressed to teachers of Latin. To sell a Latin text? No. An English translation of G. I. Caesar (C of course would have been more consistent, but the temptation was too great). A detachable order blank, however, was "printed in good, cold English." (*Washington Post*, Dec. 5, '53). Presumably that would have a more direct appeal to the publishers' office force.

JFL

## BOOK REVIEWS

*The Ancient City of Athens: Its Topography and Monuments.* By IDA THALLON HILL. London: Methuen & Co., Ltd. Cambridge, Mass.: Harvard University Press, 1953. Pp. xi, 258; 2 plates; 34 plans. \$5.00.

THE LATER EDITION of Judeich's *Topographie von Athen* appeared in 1931 and the most recent handbook, in English, of Athenian topography, Weller's *Athens and Its Monuments*, is forty years old. Since even the more recent of these dates, the systematic excavation of large sections of the city and the improvement of archaeological technique to the point where it has thrown light on many earlier problems have served to create a situation that cries aloud for a fresh revelation of the ancient city. All students of the subject will therefore feel a sense of personal gratitude to Mrs. Hill for providing them with this excellent and all-embracing text.

It is unfortunate that this feeling of thankfulness cannot include the publishers who have proved singularly stingy in the matter of illustrations. This is quite unlike the usual practice of Methuen & Co., who seem here to show a spirit of determination not to permit the price to exceed a guinea. The two photographs — an air-view of the city of Athens and Stevens' well-known model of the Acropolis — are of high quality, and the 34 plans and drawings are nearly all of the mid-twentieth century. But skeletal outlines of topographical features and ground-plans of structures hardly suffice to provide an intelligible substratum to the text. A handbook ought surely to be reasonably complete in itself (Weller, e.g., has 262 illustrations). But here the reader must seek an extension of material in the volumes of *Hesperia* and the *Archaiologike Ephemeris*, Judeich's *Topographie* and many other works if, like the eunuch in the *Acts of the Apostles*, he is to understand what he reads.

Mrs. Hill abandons, no doubt wisely, the traditional method of Athenian topographers in following close in the footsteps of Pausanias. So much has been learned in the last two decades about the constructional scheme of the city and so many positive and nearly positive identifications have been made that we are now able to put Pausanias in his own place — somewhat in the rear. After all, his knowledge of the monuments of Athens and of the rest

of Greece was confined almost entirely to those that were standing in the third quarter of the second century A.D. Of some earlier structures he knew a little, but vaguely. On the other hand there may be those who will find fault with the segregation, in treatment, of Bronze Age Athens from the historical city. Certainly this method has demanded a considerable re-tracing of steps.

Naturally the author finds a greater interest in recently excavated parts of the city than in those areas that were inadequately treated in former years. Occasionally this has led to something in the way of neglect. There is no mention, e.g., of the excavations of the early 'thirties in the Roman Market, and, in the appraisal of the interesting question of the date of the extant columns of the Olympieum, we hear nothing of the important studies of Welter and Gütschow. Nearly a third of the book is devoted to the Dipylon, the Agora and the North Slope, the treatment of which, so far as I may judge, is admirable — well-balanced and with adequate notice of all essential details. In controversial matters (and these in Athenian topography are legion) Mrs. Hill has shown much adroitness, avoiding alike dogmatism and that perverse weighing of authorities which is the last resort of the incompetent.

In her preface she speaks of "the staggering task of writing the ideal book on Athens" — which she does not of course profess to have done. The difficulties in the way could be patent only to one who has attempted a similar type of work. That there are "faults escaped" cannot be denied, but very few of these are serious. In the confident belief that a new and (let us hope) well illustrated edition is presently to appear, I venture to catalogue such errors or doubtful points as have caught my eye.

There are some inconsistencies, of which these may be noted: Chapter X, which seems to have been composed earlier than some of the preceding, opens with a mention of "the Altar of Mercy (which some are inclined to identify with the Altar of the Twelve Gods)"; but this structure has been fully dealt with in Ch.VII, where it has the usual name of Pity. Again, p.111 speaks of the retaining-wall, with its arched buttresses, that supports the terrace on the South Slope, while we read on p.125 that it is the Stoa of Eumenes that sustains the

terrace. The dates of Ross's reconstruction of the Temple of Athena Nike are given on p.136 as 1835-6, but on p.165, as 1834-8. I feel that a more extensive use of cross-references than we find in the book would serve to improve it.

Minor inconsistencies are found in an obtrusive "Areopagos" on p.31 amid others that show the Roman suffix; an "antefixae" (a plural of doubtful validity) on p. 63, elsewhere "antefixes"; an "Athena" on p.244, elsewhere "Athene".

There are misprints on pp. 26, 28, 37, 130, 131, 216, 234, 236, 239, 241 and 249 — 4 on this last page. On p.78 read "371 B.C." for "374 B.C." and "Polyeuktos" for "Polyeuktes". On p.79 Hippis is assassinated on line 3 but is exiled on line 12. Sulla's "destruction of Athens" (p.121) is a robust overstatement. The cult of Aphrodite Pandemos needs no defense (p.132) for, *pace* Plato, it was quite respectable. There is almost a year's interval between the battles of Salamis and Plataea, so the latter did not immediately follow (p.148) the sack of Athens. Is it possible that Carrey has been reinstated as the author of the Parthenon drawings of 1674 (p.154)? Its metopes show fewer signs of weathering (p.155) than of vandalism. On p.166 (3 times) for "cyma" read "sima". On p.213 read "southeast" for "southwest". On p.231, n.10, for "have" read "has". There is an intrusive note (no.5) to Ch.XV (p.240) which throws the succeeding notes down to no.10 inclusive out of relation to the corresponding numbers in the text. On p.246, n.7, read "A.D. 267" for "398 A.D.".

In addition the work would be improved by a revision of the punctuation which is sometimes shaky; also by a rewriting of several of the sections relating to sculpture. The author is not at her happiest here.

These are small points; the book is, in my judgment, an excellent one.

A. D. FRASER

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P. Ovidi Nasonis *Metamorphoseon Liber I*. Edited by A. G. LEE. New York: Cambridge University Press, 1953. Pp. viii, 162. \$1.50.

THIS EXCELLENT and well printed little volume consists of introduction, text, explanatory and critical notes, and index. The introduction is a small masterpiece of careful, compressed, and for the most part accurate statement. It deals with Ovid's life and character, the *Metamorphoses*, his other works, the Ovidian hexameter, and

English translations of the *Metamorphoses* by Golding, Sandys, and Dryden. The text is based on that of Magnus; but Lee is responsible for his own punctuation, which is helpful except for a number of commas that must be ignored in reading. The Critical Notes boldly attack some notably difficult problems, which they discuss with clarity and common sense. The index unexpectedly contains some information not to be found in the commentary.

Strong points in the Explanatory Notes are the summaries, the comments on the structure of lines and passages, and the skillful use of English verse translations to explain the text and to invite study and discussion of Ovid's poetic means and effects. Lee is up to date in his knowledge of Ovidian studies; and it is especially pleasant to see what good use he has made of the results of recent American scholarship.

Lee's own major contribution is to emphasize the fact that Ovid wrote for a listening audience rather than for a public of silent readers. He makes a number of perceptive comments on the significance of sound patterns, including alliteration and assonance as well as purely metrical effects. He also calls attention to places where Ovid uses a word that serves as a "musical direction to the performer", indicating the tone of a speech. On Ovid's habit of repeating the same basic idea a number of times in varying forms, Lee says (on 489) "in poetry designed primarily to be heard you have to make sure that your points are fully understood by your audience". But Ovid is rarely tautological; in the successive elaborations of a thought, he either varies emphasis or develops a more vivid realization of the circumstances of an act or situation. For this technique of elaboration Lee adopts the term "theme and variation" from Henry on Vergil. The term is useful but not wholly apt, because, as Lee notes (on 291-2), "each variation shifts the point of view slightly". In fact, Ovid frequently takes his listener on a mental tour and shows him a scene or a situation point by point; the theme is usually implicit in the whole set of "variations". Some such technique as this seems inevitable in a style that usually avoids periodic sentence structure.

I should like to have seen a little more attention given to details of language. For example, at the end of Deucalion's speech to Pyrrha, Ovid says (367) "dixerat et flebant". The collocation of verb forms is significant: "by the time he had finished, they were both in tears". An occasional note on

the ways in which Ovid exploits the significance of syntactical forms would sharpen our perceptions so that we would read him with more attention and appreciation. Similarly, we need to be told that the repetition of the same word in different forms (e.g. 33: *seculi sectam*) is more than a trick of style; among other things it makes for lucid sentence connection and it keeps the narrative moving. But this sort of thing can be explained in the classroom.

The editor of a school text is a colleague of the instructor; in this capacity Lee will certainly be welcomed. His book can be recommended for use in any Latin class beyond the elementary stage. Students usually read Ovid with enthusiasm and sympathy. This is a text which will direct their attention to some of the most attractive features of his style: his wit, humor, lively imagination, psychological subtlety, and careful feeling for form.

MAURICE P. CUNNINGHAM

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*Forty-Five Stories from the Dodekanese.*

Edited and Translated from MSS of Jacob Zarrattis by R. M. DAWKINS. Cambridge University Press, 1950. Pp. V-XI-560. \$14.

THE CLASSICAL FACULTY at Cambridge entrusted all the MSS of the Coan Jacob Zarrattis, a present of Dr. W. H. D. Rouse (who had set Zarrattis to do this work for him and owned the MSS) to the meritorious Byzantinologist and Neohellenist Professor Emeritus Richard M. Dawkins to publish from them what seemed suitable. Dawkins has worked out very conscientiously the edition, translation, and interpretation of these forty-five stories (one story in two versions), so the present *magnum opus*. The contents of the book, which is dedicated to W. H. D. Rouse, are as follows: *Preface* (pp. V-VI), *Bibliographical Note* (IX-X), *Note on Turkish Texts* (XI), *Introductory: On the Art of Story-Telling in the Dodekanese* (1-17), *The General Context of the Forty-Five Stories* (18-24), *The Value of the Stories* (25-28), *The Forty-Five Stories*, the Greek text in the left and the English translation in the righthand column (31-524), *The Dialect* (of the Dodekanese) (525-535), *Glossary* (536-558), *Index* (559-60). The stories come from four Dodecanesian islands, 11 from Astypalaea, 27 from Cos (one, nos. 34 and 34a, in two versions), 6 from Leros, and 1 possibly from Calymnos. This reviewer would prefer to have the orthography of the Zarrattis texts corrected, e.g., *miáloi*, *taksidhi*, *tóksera*, etc. (for *met*, *taksei*, *tó*); nowadays we would even pre-

fer a phonetic transcription of the text, but this would have been beyond the task of the editor. Each of the stories is followed by a considerable note in which Dawkins offers parallel motifs in tales from Greek and neighboring areas, clarifies items of folklore and of language, and refers the reader constantly to relevant works. The contribution of Dawkins in both the first chapter (pp. 1-17) and in the note following each story draws the reader's admiration for the full information and painstaking exposition of minute details useful to the folklorist, indeed a precious piece of work for the comparative study of the folk tale in the Eastern Mediterranean. The Glossary includes all (Greek) Dodecanesian dialect words not to be found in the ordinary dictionaries of the spoken language, all Byzantine (Greek) words, and all borrowed ones from Italian and Turkish that occur in these stories. The concise treatment of the Greek dialect group of the Dodekanesus by Dawkins is another exemplary contribution to the knowledge of the modern Greek dialects (see also his paper "The Dialects of Modern Greek," *Trans. of the Philol. Soc.* 1940). On some points one might disagree with Dawkins' translation or with some of his views, folkloric or linguistic (dialectological), and one might record some minor slips or misprintings here and there, but all these are indeed too few and too unimportant. Wholehearted congratulations should be extended to the editor-interpreter as well as to the Cambridge University Press for this fine and important publication.

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*The Institutio Oratoria of Marcus Fabius Quintilianus with an English Summary and Concordance.* By CHARLES EDGAR LITTLE. 2 vols. Nashville, Tenn.: The Peabody Press, 1951. Pp. 346; 286.

THE POSTHUMOUS PUBLICATION of Dr. Little's work reveals the devotion of his friends and former students, especially that of Eugene Tavenner who carried on as editor from where Dr. Little had left off. In Dr. Tavenner's words: "the work is offered as nearly as possible the way he left it." This attitude is understandable and admirable, but results in flaws of repetition and disorganization which Dr. Little might have remedied if he had lived to complete his work.

The plan of two companion volumes is attractive. The volume of English summaries with the Latin text of the most

important passages is very convenient for the person wishing to gain a quick acquaintance with Quintilian's work or in search of a particular passage. The writing is clear and lively and contains the essential ideas. For a full understanding of Quintilian, however, a complete translation seems desirable; and a person wishing to do much work with the Latin text would find the small print used quite distressing.

The second volume entitled the "Concordance" suffers from repetition and faulty organization. The very difficulty of referring to specific sections for criticism reveals a weakness — for example, to refer to the section dealing with the literary material taught at the elementary level, one would have to cite volume II, chapter VI, section A, part III, section II, paragraph 4, part (A). Moreover, the material found here repeats much that was already given in VI, A, III, I dealing with the curriculum of the elementary school. Many other cases of repetition occur, but one example will suffice, i.e., the nature of Quintilian's work is described in almost identical language on pages 16, 41, 232, and 238.

Another disorganizing element is the inclusion of long digressions. In VI, A, supposedly devoted to Quintilian's work as a treatise on education, the first section is a summary of "schools, teachers, and children" from Plato's time on, and is followed by a long section entitled "Some References to Children in Roman Art and Literature."

The presence of long quotations from other writers is also rather surprising. These quotations often contain the real meat of the section. For example, VI, A, VI, "Elements of Permanent Value in Quintilian's Writings," consists entirely of a five-page quotation from William Smail's *Quintilian on Education*. Another valuable quotation is found in VI, A, IV, "Quintilian's Psychology," where the thesis of Beatrice Irene Bryan on *The Psychology of Quintilian* is quoted for some five pages. Moreover, if these quotations are expected to fulfill so important a rôle in the book, the print used for them should be comfortable to read — as it is, it is painfully small, running some fifteen words to a line.

Examples of materials included but not integrated with the general plan are chapters VII and VIII. Chapter VII contains a full translation of Quintilian XI, II, 1-51, without comment. Chapter VIII lists for some twenty-three pages *sententiae mem-*

*orabiliore*s in Latin, in sequence but without further classification.

After the fullness that characterizes most of volume II, the index of six pages seems quite inadequate, and the bibliography of three pages is definitely incomplete. A surprising inconsistency lists Plato's *Republic* under the heading of "modern discussions on doctrines or principles of education."

In spite of shortcomings, there is obviously much valuable and interesting material in these two volumes, including new insights such as that on Quintilian's appreciation of poetry in VI, C, II. Particularly helpful is the treatment of Quintilian's work under four headings:

- A. A treatise on education
- B. A manual of rhetoric
- C. A reader's guide to best authors
- D. A handbook on the moral duties of the orator.

The editor had a most difficult task dealing with such a vast conglomeration of material — I only wish that he had felt free to take more liberty in revision.

KATHRYN S. BENNETT

Lake Erie College

*The Medieval Hymn.* By RUTH ELLIS MESSENGER. Washington, D.C.: Capital Press, 1953. Pp. 138. \$3.25.

RUTH ELLIS MESSENGER, one of America's authorities on Latin hymnology, has condensed a lifetime of work and study in this field within the pages of a slender, tersely written and carefully edited volume. She describes the growth of the Latin hymn under continual reference to the general historical and cultural and the specific ecclesiastical, ritual and musical developments. Seventeen illustrative hymns together with translations by various authors are appended. The documentation is precise and the bibliography more than adequate. Though stylistic changes are summarized in the text, they are, unfortunately, not demonstrated in an analysis of individual hymns. A passage on p. 28 lets the work of the monks of Solesmes appear more authoritative than seems warranted, and a few misprints in the Latin text ought to be corrected (p. 96 *nostrae*, p. 105 *pactorem*, p. 106 *consecramus*, p. 108 *inlyt*). Altogether, however, this concise little work provides an excellent introduction to Latin hymnology and as such deserves to be read and consulted.

JOHANNES A. GAERTNER

Lafayette College



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*For Full Information Write Department D*

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**SUMMER SEMINAR IN NUMISMATICS**

Twelve students from six universities attended the American Numismatic Society's second Summer Seminar in the ten weeks from June twenty-third to August twenty-ninth. The use of numismatics as a necessary auxiliary to research in history and other broad fields of study provided the theme for the Seminar. The program included background reading on coins, attendance at seventeen conferences conducted by specialists in selected fields, preparation by the student of a paper on a topic of his own selection, and actual contact with the coinages related to that topic. Most of the conferences were concerned with specific problems in ancient and mediaeval history and art toward the solution of which numismatics makes a definite contribution.

The Seminar will be held again in the summer of 1954, and the Society will again offer grants-in-aid to students who will have completed at least one year's graduate study by June, 1954, in Classics, Archaeology, History, Economics, History of Art, Oriental Languages, or other humanistic fields. Applications will be accepted also from students on the post-graduate level who now hold college instructorships in the same fields. Each study grant will carry a stipend of \$500. This offer is restricted to students enrolled in universities in the

United States and Canada. Further information and application forms may be obtained from the office of the Society, Broadway between 155th and 156th Streets, New York 32, New York. Completed applications for the grants must be filed by March 1, 1954.

**CONFERENCE ON TEACHING FOREIGN  
LANGUAGES**

A Northeast Conference on the Teaching of Foreign Languages will be held in Providence, Rhode Island on April 9-10, 1954 at the invitation of Brown University and Pembroke College.

An offshoot of the Barnard-Yale Conference, this new conference has been expanded to include all the foreign languages usually taught in schools including the classics. It is being sponsored by a group of more than twenty colleges and language associations in the region, which includes the Middle Atlantic and New England states.

All those concerned with the problems of teaching foreign languages are cordially invited to attend. Those who would like to receive a program when it is issued in February or March should send name and address to Hunter Kellenberger, *Conference Chairman*, Brown University, Providence 12, Rhode Island.

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